Strategic Dossier 167 B Prospects for the future evolution of the EU's security and defence policy. Crisis scenarios

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Can the same EU Common Foreign and Security Policy be applied to combating piracy in the Horn of Africa and in the Gulf of Guinea? 127

Carlos Cordón Scharfhausen

In the first chapter of this study, Admiral Treviño, who represented Spain on the European Union (hereafter EU) Military Committee, provides an overview of the European Neighbourhood Policy and goes on to analyse the EU's Common Security and Defence Policy (CSDP) in detail, showing first of all why a Union established for an economic purpose needs such a CSDP in order to take on greater responsibility following the Lisbon Treaty in 2010 dueto the changes in the field of security and defence – changes which, in our opinion, cannot remain in the small print of a treaty but must be furthered until the EU has a voice in the global arena and is taken into account in crises that can affect any of its Member States. He analyses in detail the important figure of 'High Representative' established at Lisbon: the person responsible for implementing the CSDP in accordance with the Council guidelines.

In the second chapter, Dr Bénédicte Real, who lectures in Law at the Centro Universitario de la Defensa of the Academia General Militar, examines in detail the EU's external action with respect to its Southern Mediterranean neighbours, both its closest neighbours of the Maghreb and those further away in the Mashreq and, above all, the Sahel, gauging the effectiveness of the European Neighbourhood Policy, especially in the field of economic cooperation where the results have not been as good as hoped, as proven by the uprisings in North Africa in 2010. The author regrets that the EU lacks the military capabilities needed to take on a significant role

in the different crises this region has suffered and considers that civilian missions at least cannot be abandoned. She ends by underlining the need to redefine the EU's priorities in the Southern Mediterranean by abandoning a paternalist attitude that could be misinterpreted and ceasing to focus solely on an economic policy, which might be considered self-interested, in order to open up new markets and, above all, cooperate more in security and defence issues so as to at last find a balance between the abovementioned policies for establishing an area of peace, stability and prosperity in North Africa.

In the third chapter of the book, Air Force colonel Martín Torrijos, who has extensive experience in the EU's military capabilities after dealing with this issue for four years as Spanish representative to the EU Military Committee, presents a study from which it may be inferred that European citizens are becoming aware that they belong to the Union, but that this awareness fades when the EU's military dimension is discussed, as they do not associate the Union with military issues – something that does not hold true when NATO is mentioned. The EU's involvement in military missions in different countries and continents is directly linked to its military capability, which currently is not in keeping with its economic clout, and this is why the Union needs to equip itself with the capabilities it currently lacks in order to be able to meet the political goals established and, accordingly, become a significant actor on the world stage. Paradoxically, the EU has civilian capabilities (police, judicial, business) that the Atlantic Alliance lacks and which make the EU well placed to intervene in cases of conflict or crisis, as it can provide a comprehensive approach to the final solution.

In the fourth chapter of this book, commander Ruiz, who lectures at the armed forces staff college (Escuela de Estado Mayor de las Fuerzas Armadas) and holds a doctorate in International Security, examines in depth the role of the EU in the post-Soviet space, which has been undermined by its lack of internal coherence – both the limited coordination between the Commission and the EU Council and the twenty-eight Member States' different perceptions of their eastern neighbours. What is more, although there is an eastern dimension of the European Neighbourhood Policy, concerted action has not been proposed with Moscow in the same way that it has with countries that share borders with Russia. Occasionally this has meant that countries which share borders with both the EU and Russia have been forced to choose between the two – a dilemma that has facilitated the recent crisis in Ukraine and, worse still, its territorial dismemberment, with the dangers this poses of further secessions. The author also discusses the issue of energy security, which is of crucial importance to the Member States that depend on Russian fuel to survive the winter.

This study on security and defence could not fail to deal with the issue of piracy, which affects shipping routes that are vital not only to coastal Member States but also, albeit indirectly, to the EU's twenty-eight nations. In the fifth and last chapter, Navy captain Cordón, who was involved in the start-up of operation Atalanta in Brussels, analyses the situation in Somalia, including the emergence of piracy and its causes and the EU's involvement in combating the pirates of the Indian Ocean, the launch of the EU's first naval operation, Eunavfor Atalanta in 2008, and the adoption in 2011 of the EU's strategy for the Horn of Africa. He analyses the results of this fight against piracy between 2006 and 2014, and its costs in 2012. Captain Cordón goes on to examine the situation in Nigeria, as attacks on maritime traffic have shifted from the Indian Ocean to the Gulf of Guinea, though the actors and circumstances are very different. He ends by listing the actions which, in his view, the EU could implement to improve the security of the Gulf of Guinea, specifying the differences between Somali pirates and their modus operandi and piracy off the Nigerian coast.

The european neighbourhood policy and security and defence

José María Treviño Ruiz

Chapter one

Abstract

This chapter provides an introduction to the current situation of the European Neighbourhood Policy (ENP) before analysing in detail the EU's Common Security and Defence Policy (CSDP). It begins by showing the need for the CSDP in a Union established with an economic aim and goes on to examine its transformation after the Lisbon Treaty of 2010 and the important changes this treaty brought to the CSDP, before taking a look at the important role played by the High Representative in the CSDP. It ends by outlining the future Common Security and Defence Policy in accordance with the current global situation, followed by a number of conclusions.

Introduction to the enp

We take the European Neighbourhood Policy (ENP) to mean a fundamental line of external and strategic action of the European Community that seeks to enhance relations between the European Union (EU) and its neighbours, both those of the Mediterranean basin in the south and those of the east, including the Caucasian countries. The first rapprochement with the southern neighbours came at the so-called Barcelona Conference or Barcelona Process, a broad framework for political, economic and social relations between the members of the EU and countries of the Southern Mediterranean. The conference took place on 27 and 28 November 1995 and was attended by the foreign ministers of the 15 EU countries and of all the North African countries, including Libya. With respect to the east, action was taken later, as the so-called Eastern Partnership was launched at the Prague Conference in May 2009 with the aim of bringing the eastern neighbours – Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine – closer to the EU.

The ENP was devised, after the EU was joined by ten Eastern European countries, to prevent new frontiers – in this case chiefly economic – with countries unwilling or unable to join the Union. It was presented by the European Commission in March 2003 and became official on 25 May 2004, backed by a generous new 1.2 billion-euro fund, bringing the amount allocated to funding these nations up to 7 billion.

A total of 16 nations, mostly developing, thus became part of this European Neighbourhood Policy (ENP): Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, Palestinian National Authority, Syria, Tunisia and Ukraine. Of them, twelve are full participants; Algeria participates to a lesser extent; and three, Belarus, Syria and Libya, for the time being remain outside most of the structures. Russia enjoys a special status called the Strategic Partnership with the EU, which covers four common spaces, and it does not participate in the ENP; nor do Turkey and Iceland, which have prospects of joining the EU. The main feature of the ENP is the bilateral action plans that are agreed on mutually by the EU and each of the partner countries. The EU thus offers financial assistance in broad sectors such as employment, social policy, trade, industrial policy, agricultural and rural development, climate change and the environment, education, culture and healthcare, in order to improve their standard of living and, in the case of the European countries, help them join the EU someday. In accordance with article 8 of the Treaty on European Union, in 2005 it was agreed to implement ENP action plans with Israel, Jordan, Moldova, Morocco, the Palestinian National Authority, Tunisia and Ukraine. In 2006 the plans were extended to Armenia, Azerbaijan and Georgia. The potential economic benefits of the ENP are considerable: greater legislative and regulatory convergence

with the EU, especially in areas important to improving access to a common market, which will lead to greater investment and growth, especially if it is accompanied by greater liberalisation of trade, services and agricultural products. In comparison to the current framework agreements between the EU and its neighbouring countries, the ENP can act as a better catalyst for balanced structural reforms and macroeconomic policies, although whether real progress is made will continue to depend on several factors, such as countries' commitment to the reforms, internal stability and democratic structures, etc. Therefore, the countries taking part must guarantee that the commitments entered into with the EU in the framework of this policy strengthen their national development strategies and are consonant with their institutional and technical capabilities.

The need for a common security and defence policy

The recent destabilising events that have affected several of the nations that take part in the European Neighbourhood Policy, such as Ukraine, practically the whole of Northern Africa and some time ago Georgia, have underlined the need for a more efficient and above all more credible policy with respect to security and defence. Despite the crisis, the EU's economy continues to be the biggest in the world, but it is turning a blind eye to the urgent need to complement this economic clout and geopolitical position with a defence that is capable of sending out a message of deterrence in the event of a crisis and enables it to speak with a loud and clear voice at international forums where threats to the area's security are discussed that can affect any of the twenty-eight Member States.

The famous declaration by the French foreign minister Robert Schuman on 9 May 1950 began with the words that 'World peace cannot be safeguarded without the creative efforts proportionate to the dangers which threaten it'. The importance of this statement has grown following the recent events in Crimea, in which the EU's ability to influence the crisis has been limited to lukewarm sanctions of no consequence to the outcome. It is true that Ukraine does not belong to the EU, but if the country in question had been a Member State, its room for manoeuvre in the field of defence and security would have been practically non-existent unless that state were a NATO member, in which case the implementation of article V of the Washington Treaty would have provided the necessary deterrent to prevent bloodshed. But what if it had been a Member State that did not belong to the Atlantic Alliance? It would possibly have lost part of its territory owing to the lack of military and deterrent power in this area of the EU. The hypothesis of a clash with the eastern giant is something that the former members of the USSR or of the Warsaw Pact always have in mind, like a sword of Damocles – in this case with a nuclear capability

or, without reaching those extremes, with the threat of energy cuts in the event of disagreement with its expansionist policy.

The origin of a European army can be traced back to the project to create the European Defence Community, which was submitted to France's National Assembly on 24 October 1950 by the French prime minister, René Pleven. Pleven's idea was to create an army of the European Community by fully pooling men and military material under a European authority. This was consonant with Schuman's idea of European integration in the field of defence. The 1950 project stated that 'all the obstacles can be surmounted, provided that there is the will, imagination and faith to do'. The Treaty on the European Defence Community was adopted in 1952 by France, Germany and the Benelux countries and established a common organisation, forces and budgets that were perfectly thought out. However, the French National Assembly failed to ratify the treaty in 1954 and this ambitious project thus came to nothing, leaving European defence in the hands of the Washington Treaty signed in 1949 by five European states in addition to those mentioned above: Italy, Portugal, Denmark, Norway and Iceland, as well as the United States and Canada. The Western European Union (WEU) was established in 1948, before NATO, by the Treaty of Brussels, whose signatories were France, the Benelux countries and the United Kingdom, which were joined in 1954 by Italy and Germany. During its 52 years of existence until its dissolution following the entry into force of the Treaty of Lisbon in 2010, the WEU attempted to assert itself as the European defence and security organisation, advocating the need to set up a European army as such, for which it had the support of ten members, among them Spain, six associates and twelve observers. Indeed, the WEU took part with forces under its flag in several military operations in Iraq, a sea embargo in the Adriatic during the Yugoslavian war and the demining of Croatia among others, and came to have a civilian and military structure consisting of a Situation Centre, a Satellite Centre in Torrejón, a Planning Cell and an Institute for Security Studies in Paris. Nevertheless, the lack of attention paid by the United States and NATO to this organisation eventually drove it to extinction, and it was abolished in 2010; the Satellite Centre was handed over to the EU, as the sole legacy. The gap it left has yet to be filled.

The common security and defence policy after Lisbon

In theory the Lisbon Treaty has given the EU a more powerful representative structure shaped by earlier initiatives such as the European Defence Community, the Petersberg tasks, the Saint Malo accords and the Security Strategy of 2003, which was amended and expanded in 2008. This structure consists of the Political and Security Committee (PSC), the Military Committee (EUMC), the European Union Military Staff (EUMS) and,

at the administrative level, the European Defence Agency. Interestingly, there is no opportunity for the twenty-eight defence ministers to meet in a similar way to how 22 of them do on NATO's North Atlantic Committee, as they have no forum of their own. This is a further indication of the scant interest defence arouses in Brussels, and means that the defence ministers have to make do with being *invited* to the Foreign Affairs forum when they meet on the PSC. Responsibility for the Common Security and Defence Policy (CSDP) and also external relations falls to the figure of the High Representative established in the Lisbon Treaty, who is responsible for developing the Common Security and Defence Policy, including the progressive framing of a common EU policy in this field – something that the current incumbent has certainly not done. On the contrary, the dismantling of the Policy and Plans Division of the Military Staff in 2009, the lack of a proper headquarters in Brussels – and the consequent need to resort to the OHQs or operation headquarters established in Germany, France, Greece, Italy and the United Kingdom, with the unfortunate and incomprehensible absence of Spain – deprives the EU of the ability to fully direct a military operation and forces it to delegate to a nation, as in the case of the United States in counter-piracy operation Atalanta in the Indian Ocean. This inability to direct a military operation, coupled with some Member States' fears of losing the transatlantic link with the US that is maintained through NATO, has caused the new military operations of the past four years to be reduced to two EUTM training missions in Somalia (2010) and Mali (2013), in addition to the recent security operation in the Central African Republic, EUFOR RCA, in 2014.

Two mechanisms proposed by the Lisbon Treaty for achieving the aims of the CSDP – enhanced cooperation and permanent structured cooperation (PSC) – are still undeveloped. The first is not exclusive to the CSDP and must be approved unanimously by the European Council, though it is implemented by a simple majority of the participating Member States. In contrast, PSC is an exclusive and fundamental CSDP tool, as it is the embryo of the so badly needed European army. This future army does not have a specified number of participants; rather, it requires specific and technical training of the units to be integrated into it. During Spain's presidency of the EU in the first half of 2010, PSC was the CSDP battle horse of the Spanish representatives in three main areas of action: the institutional field, capabilities development and the comprehensive approach in crisis response. In capabilities development, the Spanish presidency sought to clarify the most important novelty in the Lisbon Treaty with respect to the CSDP, permanent structured cooperation. For this purpose it initiated the debate on determining the access criteria and the commitments to be made by Member States wishing to establish PSC. This initial debate should have made it possible for the Member States and European institutions to advance towards a shared vision, but sadly this interesting debate and foreseeable subsequent development was not taken

up by subsequent presidencies, owing perhaps to the abovementioned reluctance of some Member States to compete with the Atlantic Alliance.

The fact that twenty nations with a total of 500 million citizens have made provisions for rapid intervention forces called Battle Groups, with two ready for deployment at all times and each with only 1,500 ground troops, indicates the clear intention not to use any EU units in a crisis requiring a rapid response force available within five to ten days. NATO, which is more realistic in this respect, has the 25,000-strong Response Force (NRF) that includes naval and air as well as ground components. The NRF would be capable of carrying out half a dozen tasks and has been activated twice, in connection with Katrina in August 2005 and with the earthquake in Pakistan in October 2005. The Battle Groups were established in 2007 and have not been activated to date, though a magnificent opportunity arose in 2008 during operation EUFOR Tchad, to protect the African nation from the forays of the Janjaweed from Darfur. About 3,000 troops were needed, 50% of whom were provided by France owing to the overall apathy towards mustering the necessary troops at the force generation conference and the refusal to use the two ready Battle Groups. A military analyst cannot help finding it odd that these Battle Groups should lack the naval and air components that are so necessary not only for transportation to the theatre of operations, but also for providing the required fire and logistic support.

The importance of the high representative in the CSDP

Following the elections to the European Parliament, the EU sought a new High Representative for Foreign Affairs and Security Policy. The post includes the appointment of vice-president of the European Commission, with all associated rights and duties laid down in articles 18, 21 and 46 of the Treaty on European Union. The new High Representative is due to take up the post on 1 November 2014 and will be designated by a qualified majority vote of the European Council with the agreement of the president of the Commission. As a member of the European Commission, the chosen candidate must be approved by the European Parliament. The High Representative, together with the Council, must ensure the unity, coherence and efficiency of the EU's actions, in addition to coordinating the Union's common policy in foreign affairs, security and defence and contributing with their proposals to the development of that policy in accordance with Council. This responsibility is undoubtedly the most important as far as the CSDP is concerned, and the chosen person should therefore possess in-depth knowledge of international relations and experience in crisis management, together with strong leadership skills. Any experience in the military field or previous involvement in defence issues would give them greater weight in decision making, as they are the EU's de facto defence minister or commissioner – although no such title exists, just

as nor does that of foreign affairs minister or commissioner, though the latter responsibility is much better specified in the duties of the High Representative.

As soon as the new High Representative takes up their post, they will need to do some soul searching and realise that the scant importance attached to the security and defence policy within the EU is faithfully reflected in the staff assigned to it. Indeed, of the EU's nearly 50,000 civil servants from the twenty-eight Member States, some 3,000 are posted to civilian and military areas of the Common Foreign and Security Policy, but only 200 are military, and all of them serve with the Military Staff; to these should be added the thirty or so belonging to the Military Committee, though they are organisationally responsible to the Member States.

Even within the CSDP, civilian operations greatly outnumber their military counterparts. Of the fifteen EU operations currently in progress, ten are civilian and five military, one of them maritime (EU NAVFOR Atalanta), two training (EUTM Mali and EUTM Somalia) and one security (EUFOR RCA), while the last one (EUFOR Althea), with more than ten years under its belt, might be defined as historical and practically extinct.

The High Representative's reluctance to initiate new military operations in the past five years can be viewed or interpreted in two ways. Firstly, their high cost at a time of economic crisis when the defence budgets of practically all the Member States have been drastically slashed – by 30% in Spain's case – together with the lack of a system for funding the operations charged to EU funds, make it necessary to revise the Athena mechanism, which only partially covers the costs derived therefrom. The second reason why more military operations have not been undertaken is the abovementioned reluctance of a few nations closest to the United States to overshadow NATO, including the lack of British leadership – although, paradoxically, the United Kingdom directs operation Atalanta from its Northwood OHQ, despite not contributing a single vessel. France has taken the baton of this leadership on many occasions, almost always in relation to its area of influence in North Africa, such as in operation EUFOR Tchad in the Republic of Chad.

Towards a new security strategy

The EU's failure to take defending Europe seriously can no doubt be blamed on the fact that there is no awareness of a military threat and suggests that the need to protect its power and influence internationally is, in a way, insignificant, obsolete and even bad taste in the twenty-first century. However, over and over again we are surprised that invasions witnessed in the past few years, such as those of the Falkland Islands or Kuwait decades ago or Ukraine more recently, have had a *foreseeable future* of only a few

days owing above all to the absence of a credible deterrent – a deterrent that the EU currently lacks, even though its twenty-eight Member States' armies number some two million troops. Unlike for atmospheric phenomena, which are capable of being predicted by the scientific calculations of meteorologists, there are no calculations applicable to threats, which therefore risk materialising without a warning period in which corrective measures can be taken, as occurred in the three examples quoted above, the Falklands, Kuwait and Ukraine. In the case of the latter, when Crimea was invaded, the EU Member States should have taken heed of the United States and NATO and have increased their investment in defence, but once the crisis was resolved with Russia's victory and the borders stabilised, things returned to normal and the defence budgets have inexorably continued their downward trend except for that of Ukraine, whose armed forces had been neglected for a decade and had become totally inoperative – a fact of which its eastern neighbour was fully aware. The false illusion that NATO spends three times as much as Russia on defence leads European governments, instead of reaching the highly recommended 2% of GDP on defence, to continue to concentrate on the security of their borders, adopting as a strategy the achievement of a watered-down deterrence that has proved to be totally ineffective with their southern neighbours and recipients of the ENP in connection with achieving the Arab Spring. This short-sightedness leads the EU, for example, to view Asia as a huge market and to fail to understand the armaments policies of the most powerful nations like China, India, North Korea, Japan, South Korea and Taiwan, among others, which have embarked on a dangerous arms race that, in the case of the Asian giant, has led to an annual increase in its defence budget of nearly 10%. In contrast, the United States, fully aware of this potential threat, is focusing its efforts on the Pacific and the Asian coastal states.

The new High Representative will need to be aware of this new situation and abandon the rough-and-ready CSDP limited practically to the African continent, whose main threat is mass-scale illegal immigration across the Mare Nostrum, in addition to the global jihadist terrorism that exists in all continents. The EU needs a new strategy and its political leaders must assess how the world is changing and develop new principles and doctrines to underpin their foreign and defence policies. Europe must snap out of the delusion that its soft deterrence is effective and carry out a serious study on the way forward, paying careful attention to the direction in which the Asian powers are moving and how they are being monitored by part of the US armed forces.

Conclusions

Having examined the European Neighbourhood Policy that involves sixteen nations, of which most of those located south of the Mediterranean

have been affected by the uprisings triggered by the so-called Arab Spring, along with Ukraine, whose territorial integrity has been damaged by the secession of the Crimean peninsula, it should be pointed out that the deterrence that an effective Common Security and Defence Policy should provide has had no effect on the revolts and paramilitary actions suffered by at least half a dozen recipients of the aid provided under the ENP. The EU's very low military profile despite the total troops that make up the armed forces of the twenty-eight Member States points to the need to bolster the CSDP in order to achieve credible deterrence in the first place and subsequently influence the crisis-related decisions on the world chessboard that may occur and harm our environment. The figure of the High Representative plays a key role in achieving this, as it is their responsibility to implement the CSDP in accordance with the instructions of the European Council. The development of a European army based on permanent structured cooperation is a pending issue that the High Representative needs to take up, overcoming the misgivings of Member States that regard this European army as a threat to the transatlantic link with the United States or a duplication of the tasks of the Atlantic Alliance. A new EU strategy in the field of security and defence that takes into account the armaments developments of the Asian powers and their growing influence in the Pacific should follow the example of the United States, whose centre of gravity is shifting towards Asia, taking priority over its Atlantist policy. The EU must not limit its CSDP to the Mediterranean and Eastern Europe. The ENP is excellent, but it falls short in its ambition and needs to reach beyond the Urals or the Sahel. The plummeting defence budgets of most of the twenty-eight Union states signifies, at the least, a lack of medium- and long-term vision. The absence of a sensation of military threat indicates, at the least, the lack of a security and defence policy consonant with the global situation, with numerous emerging powers in Asia willing to play an important role in the future of world events. The great Eastern European neighbour seems to have embarked on a dangerous venture to recover the greatness it lost with the disappearance of the USSR, much to the fear and dismay of its closest neighbours; so far Ukraine has come off the worst.

An effective CSDP should be able to halt any expansionist attempt against any of the Union's Member States – something that the EU could not do with its current assets and lack of capabilities. Relying on NATO might be a valid solution for twenty-two of its Member States, but it would not work with the remaining six. At the national level, Spain should not give up on having its own EU-funded operational headquarters (OHQ) similar to those of Germany, France, Greece, Italy and the United Kingdom if it wants to direct an EU military operation at some point – which it would have achieved with operation Atalanta had it had an up-and-running OHQ, for example in Rota naval base.

The EU's Foreign Policy towards the Southern Mediterranean Countries

Chapter two

Bénédicte Real

Abstract

This chapter aims to provide an overview of the foreign policy pursued by the EU in Northern Africa and the Sahel. For this purpose it studies the various instruments the EU has developed with respect to its southern neighbours, emphasising security issues, which are currently the main challenge for the EU. It addresses the complexity of relations between the countries of the two shores and the lack of results compared to efforts. However, the EU cannot give up and must keep on working.

Keywords

European Union, Euro-Mediterranean Policy, Neighbourhood Policy, Sahel, Maghreb, Islamic terrorism, Arab Spring.

Introduction

The EU's foreign policy towards its neighbours on the southern shore of the Mediterranean has existed since the first months of what was then the EEC, and it has witnessed drastic changes since then. Evidently, this evolution is closely linked to the foreign-policy capability of the EU. In this respect, relations between the EU and the southern countries are a perfect example of this evolution.

The EC/EU was initially concerned chiefly with developing preferential economic relations with the North African countries. However, the realisation that the EU could not uphold democratic values and at the same time establish privileged relations with states that showed little respect for those values is leading it to gradually modify its foreign-policy priorities. Needless to say that, the growing risk of international terrorism, magnified by the permeability of Africa's borders and the lack of democratic states fully capable of pacifying their own countries, is driving the EU to step up its foreign-policy efforts towards the Southern Mediterranean.

General framework

The uprisings that took place in the Southern Mediterranean countries beginning in December 2010 underlined the shortcomings of the EU's policy in the area. Although the fact that the continents are separated by the sea might create the illusion that Europe is protected from events occurring in Northern Africa, the tension between France and Italy showed that the Old Continent was not impervious to what goes on in the south. Indeed, Italy's decision to grant temporary residence permits to the immigrants who arrived on the island of Lampedusa fleeing from Libya[1] in order to ease the growing tension in the area displeased France, which refused to recognise the permits.[2] The friction sparked between EU Member States over the events in Northern Africa was unquestionable.

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[1] It should be stressed that in 2007 the European Commission had lent assistance to Libya through the Frontex agency as part of the effort to combat illegal immigration. See Frontex. Retrieved from: <http://www.statewatch.org/news/2007/oct/eu-libya-frontex-report.pdf>.

[2] On the issue of migratory flows from Northern Africa to Europe, see Fernández García, B.: 'Riesgos sociodemográficos', in Las revueltas Árabes en el Norte de África: implicaciones para la Unión Europea y para España. Documento de Seguridad y Defensa 59. Escuela de Altos Estudios de la Defensa. Ministerio de Defensa Madrid, 2013, pp. 29–59, especially, pp. 50 and 51. Frontex's latest report, published in May 2014, provides interesting information. Although, regrettably, illegal immigration detected coming from Northern Africa has risen by 48% since 2012 with a total of 107,365 cases, these figures are comparable to those recorded in 2009 and 2010, and are lower than those of 2011 (141,051 people). Nevertheless, it should be stressed that it is reckoned that in 2013 more than one quarter of illegal immigrants came from Syria, triple the flow detected the previous year. See Frontex: 'Annual Risk Analysis', 2014, pp. 29 and 30. But the

More seriously still, the attitude of certain Member States[3] and Europe's policy in the Southern Mediterranean area were criticised. Indeed, when the EU aimed to help the countries of the south many years ago by establishing an area of security, stability and prosperity, it became evident that this had not been effective. Therefore it was more necessary than ever to adopt a different approach to ensure that Europe's aims were achieved.[4]

Security in the Mediterranean: An issue evoked by the CSCE since 1975

While globalisation has accentuated states' interdependence and blurred the boundaries between internal and international security,[5] the importance of security in the Mediterranean region has been cited as a regional concern since 1975. Indeed, the Helsinki Final Act, signed at the Conference on Security and Co-operation in Europe (CSCE), included a chapter on 'Questions relating to security and cooperation in the Mediterranean'. Although it was not a key issue in the document, it was significant that the European states should have mentioned the Mediterranean area. The pressure on those that were specifically affected by existing difficulties in Northern Africa – particularly Spain with respect to the Western Sahara issues – but also the insistence of African states such as Algeria and Morocco that participated in the second part of the conference, meant

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question of illegal immigration is not a recent problem, as evidenced by the difficulties encountered by Libya. For an analysis of the policy on security and maritime borders, see Quindimil, J.: 'La UE, Frontex y la seguridad en las fronteras marítimas. ¿Hacia un modelo europeo de Seguridad Humanizada en el Mar?', in Revista de Derecho Comunitario Europeo, no. 41, January–April 2012, pp. 57–118.

3   Criticism was levelled in particular at the first statements made by the Italian defence minister, who was in favour of maintaining a bilateral treaty between Libya and Italy on controlling clandestine migration from Libya to the Italian coasts. In relation to Tunisia, the first Southern Mediterranean country to experience the uprisings, the French presidents stated in 2003 and 2008 that the question of human rights in this country was progressing. On this subject, see Beaugé, F.: 'La chute sans gloire d'un ami des Occidentaux', in Le Mensuel. Le Monde, February 2011, pp. 22–24.

4   The EU's attitude towards Libya is very significant. Only months before the outbreak of the crisis that led to the overthrow of Colonel Gaddafi, the EU had been negotiating the adoption of a framework agreement with Tripoli since 2007. In this connection, see Ferrer, J.: 'La UE ante la crisis libia: ¿Derecho Internacional, Democracia y Derechos Humanos en las relaciones Euro Mediterráneas?', in Revista de Derecho Comunitario Europeo, no. 41, January–April 2012, pp. 15–26.

5   The Internal Security Strategy for the European Union. Towards a European Security Model – approved during the European Council on 25 and 26 March 2010 (under the Spanish presidency) and completing an initial document adopted in December 2003 (The European Security Strategy) – envisages internal security/ cooperation with third countries in its second part. In other words, internal security cannot ignore external security.

that from this moment onwards the CSCE considered the countries on the southern shore of the Mare Nostrum[6] in its subsequent follow-up meetings and seminars. For example, during the Madrid Conference (11 November 1980 to 9 September 1983), the participating states announced their wish to play a prominent role in the Southern Mediterranean owing to their readiness to take 'positive measures' in the region and 'intensify efforts' to achieve a peaceful solution to the existing conflicts and tensions in the area. Similarly, at the conference held after Stockholm (from January 1984 to September 1986), disarmament in Europe was linked to that of the Southern Mediterranean region[7] (as we shall see in due course, this is currently one of the aspects of the European Neighbourhood Policy with the Southern Mediterranean countries).

Despite the initial misgivings of the non-Mediterranean European states, cooperation between the current Organisation for Security and Co-operation in Europe (OSCE) and certain Southern Mediterranean states has progressively materialised. Following the Declaration of Budapest[8] in 1995, this link has been formalised with the creation of a contact group consisting of the Mediterranean partners (Algeria, Egypt, Israel, Morocco and Tunisia) that collaborate with the organisation, particularly its permanent Council. We might mention, for example, cooperation in cracking down on illegal immigration or boosting civil society.[9] Since the fall of

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[6]   The Mediterranean countries that made contributions during the second phase of the conference that began in Helsinki on 3 June 1973 and ended with the drafting of the final act were: The People's Democratic Republic of Algeria, Egypt, the Kingdom of Morocco, the Syrian Arab Republic, Tunisia and Israel. The final act consists of a code of conduct to which the participating states commit, such as respect for sovereign equality, refraining from the threat or use of force, but also cooperation between states, with the aim of strengthening relations between European states and recognising the close relationship between peace and security. The chapter on Mediterranean issues stresses the fact that security in Europe is to be 'considered in the broader context of world security and is closely linked with security in the Mediterranean area as a whole', and shows that the document is a declaration of intent. Indeed, the wording (endeavour, favour, and intensify efforts…) proves that results are not compulsory. However, the fact that this declaration was incorporated into the act, even though it was not directly related to the conference and there was disagreement as to how to tackle the Mediterranean question may be considered an achievement. On this issue, see Sainz Gsell, N.: 'La dimensión mediterránea de la Conferencia sobre la Seguridad y la Cooperación en Europa (CSCE): de región limítrofe a campo de aplicación', in Papers, no. 46, 1995, pp. 139–53.

[7]   In this respect, see Blanc Altemir, A.: La UE y el Mediterráneo, Madrid: Tecnos, 2012, pp. 33–39.

[8]   Budapest Summit Declaration. Towards a Genuine Partnership in a New Era. Corrected version 2 February 1995.Retrieved from: <http://www.osce.org/mc/39559?download=true>. It should be stressed that on this occasion the organisation changed its name to reflect the new impetus given to the organisation after the end of the Cold War.

[9]   See, respectively, the reports 'La Connexion Méditerranéenne', in Communauté de sécurité. Le magazine de l'OSCE, no. 2/2013, pp. 34–43 and Diaz-Plaja, R.: 'La transition

Gaddafi's regime in Libya, the country's new authorities have stepped up their efforts to become a new OSCE partner.[10]

The failure of the project for the Conference on Security and Cooperation in the Mediterranean and the starting up of the 5+5

The possibility of creating a partnership between countries on both shores of the Mediterranean focusing specifically on security issues stemmed from the difficulties in achieving consensus on this within the CSCE/OSCE and the concern of certain European states such as Spain.[11] Indeed, owing to its peripheral location in Europe, its closeness to Northern Africa and the issues of Ceuta and Melilla, Madrid was especially sensitive to security and stability in Northern Africa.

With the support of Italy, in the early 1990s Spain proposed copying the cooperation model established by the CSCE and adapting it to the circumstances of the Mediterranean – particularly the lingering tensions and conflicts – with the goal of creating a Conference on Security and Cooperation in the Mediterranean (CSCM). This project failed to materialise owing, on the one hand, to the war in Kuwait and, on the other, to the lack of enthusiasm of other influential European partners.[12] However, it definitely made possible possible the setting up the 'Western Mediterranean Dialogue' by the 4+5 group,[13] which was more flexible than Spain's initial proposal. In 2004, following a French initiative to use this informal and practical format for specific defence issues in the Mediterranean area,

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démocratique en Afrique du Nord', in Communauté de sécurité. Le magazine de l'OSCE, no. 1/2012, pp. 12–17.

[10]   Libya is endeavouring to collaborate with the OSCE with a view to joining it in the future. It recently showed its willingness by taking part in a forum on illegal arms trafficking in the Mediterranean. See Osce: Forum pour la coopération en matière de sécurité. FSC. JOUR/752, 19 February 2014.

[11]   In this connection, see Barbé, E.: 'La política española de seguridad en la Nueva Europa: dimensión mediterránea e instrumentos europeos', in Revista Cidob d'Afers Internacionals, no. 26, 1993, pp. 77–96.

[12]   See Blanc Altemir, A.: 'Estabilidad y codesarrollo en el Mediterráneo: de una conferencia de seguridad y cooperación para el Mediterráneo (CSCM) a la conferencia euromediterránea (CEM)', in Anuario de Derecho Internacional, vol. XI, 1995, pp. 79–82. Germany was not particularly interested in Mediterranean issues, as its geographical position made it less vulnerable to questions relating to the Mare Nostrum and more attentive to events occurring in the East. Owing to its poor relations with Spain over the Gibraltar dispute, the United Kingdom did not support the initiative either; what is more, in this case, its American ally expressed misgivings about the presence of its 6th Fleet in the Mediterranean. Finally, France considered this project to be too ambitious.

[13]   This proposal involved bringing together Spain, France, Italy and Portugal on one side, and the states of the Arab Maghreb Union on the other: Mauritania, Morocco, Algeria, Tunisia and Libya. The incorporation of Malta in October 1991 transformed it into the 5+5 group.

ten states signed a declaration of intent in Paris on 21 December, thereby creating the 5+5 Defence Initiative.[14] A decade later, in the year Spain held the presidency of this cooperation, following major turmoil in two Mediterranean partner countries (Libya and Tunisia),[15] more than forty activities were scheduled for the purpose of developing cooperation in the fields of security and defence.[16] The different exercises envisaged are related to maritime surveillance, air security, the contribution of the armed forces in the event of disasters and also different training activities.[17]

The EU's Euro-Mediterranean policy

Nevertheless, the main actor in the Mediterranean area is undoubtedly the EU and it is necessary to recall how its external action in the area has evolved in order to understand the current situation. Firstly, the evolution of the Union's policies is related to the very nature of the regional organisation. Until the Maastricht Treaty came into force in 1993,[18] the relations that Member States could enter into with third countries, particularly Mediterranean, were merely economic and commercial. For example, the Economic Community had signed association agreements with Malta, Cyprus and Morocco (in 1971, 1973 and 1996 respectively); preferential agreements with Israel, Spain and Egypt (in 1970 for the first two and in 1973 for the latter); and non-preferential agreements with Yugoslavia in 1973.[19]

However, it was beginning in 1995, with the implementation of the Euro-Mediterranean Policy (EMP) known as the Barcelona Process that the

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[14] For an analysis of the 5+5 dialogue and its repercussions on each of the participating states, see Romero Núñez, M. A.: 'Iniciativa 5+5. Seguridad mediterránea: seguridad compartida', documento marco, Instituto Español de Estudios Estratégicos, July 2012. Retrieved from: <http://www.ieee.es>.

[15] V. Echeverría Jesús, C.: 'La iniciativa 5+5 Defensa sobrevive a las revueltas árabes en 2011', informe SEDMED, no. 3, January 2012. Retrieved from: <http://www.sedmed.org>.

[16] In relation to the activities that are and will be held under the Spanish presidency, see Izquierdo, Alberca, M. J.: '2014 año de la presidencia española de la Iniciativa 5+5 Defensa', documento informativo, Instituto Español de Estudios Estratégicos, May 2014, in particular pp. 4–9. Retrieved from: <http://www.ieee.es>.

[17] For a list of the activities conducted by the Initiative, the website created at the beginning of 2014 is extremely interesting: <www.5plus5defence.org>.

[18] The Treaty of Maastricht – signed on 7 February 1992 – established the EU, allowing the organisation's solely economic purpose to be extended and giving it a political dimension. Whereas the main internal achievement has been the concept of European citizens, in the international sphere it created the 'pillar' of cooperation between states with respect to the Common Foreign and Security Policy (CFSP). Its aim was for the EU to take part in international peacekeeping and security building.

[19] The accords signed between the European Economic Community and Mediterranean third countries were incorporated into the Global Mediterranean Policy (from 1972 to 1990) and the Rerocated Mediterranean Policy (from 1990 to 1995).

EU's interest in its southern neighbours ceased to be limited to economic questions.[20] Indeed, both positive accomplishments (such as the still recent signing of the Oslo Accords)[21] and negative circumstances (such as the war in Kuwait, the crisis in Algeria following the annulment of the legislative elections won by the Islamic Salvation Front, triggering a civil war and the development of Islamism) led the EU to consider a single regional policy toward its southern neighbours.

Based on three principles – the three pillars dedicated respectively to political and security cooperation, economic and financial cooperation and, finally, the understanding between cultures and exchange between civil societies – the Euro-Mediterranean Policy set out to create a 'virtuous dynamic'[22] that made it possible to achieve economic stability[23] leading to democratic stability and the establishment of peace in the Southern Mediterranean. Nevertheless, this policy did not achieve the expected goals and nor did the fresh impetus it received in 2005 (Barcelona+10) prove decisive in re-launching it. Several factors may explain this failure. Firstly, the mechanism established for carrying out the actions in the Southern Mediterranean was complex. Based on a competitive system (aid was allocated not automatically but in accordance with a prior selection made by the community institutions), this procedure was complicated for non-European countries not accustomed to navigating the winding bureaucracy of the EU. Secondly, the budget earmarked by the EU to the EMP, chiefly the MEDA programme,[24] was not fully used[25] (although the possibility of the European Investment Bank granting loans should

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[20] The non-European partner states were Algeria, Cyprus, Egypt, Israel, Jordan, Lebanon, Malta, Morocco, Syria, Tunisia, Turkey and the Palestinian National Authority. Cyprus and Malta later joined the EU. As for Libya, on which the United Nations imposed economic sanctions, it was unable to take part in the project. It was agreed at the Stuttgart Conference of 1999 that once the sanctions were lifted, Libya would join the EMP as an observer.

[21] The Oslo I accords, signed in September 1993 by Mahmoud Abbas (on behalf of the PLO) and Simon Peres (then the Israeli minister of foreign affairs) were encouraging in themselves because, for the first time, both parties mutually recognised their existence. The Palestinians also renounced resorting to terrorism and the autonomy of the Gaza Strip. The Oslo II accords of September 1995 set out to establish measures for ensuring the security of Israel and extending Palestinian autonomy.

[22] See Khader, B.: L'Europe pour la Mediterranée, Paris: Le Harmattan, 2009, pp. 14 and 15.

[23] Indeed, it was initially envisaged that a free trade area would be established in 2010.

[24] Council Regulation (EC) no. 1488/96 of 23 July 1993, on financial and technical measures to accompany (MEDA) the reform of economic and social structures in the framework of the Euro-Mediterranean partnership and Council Regulation (EC) no. 2698/2000 of 27 November 2000, amending Regulation (EC) no. 1488/96 on financial and technical measures to accompany (MEDA) the reform of economic and social structures in the framework of the Euro-Mediterranean partnership.

[25] In relation to the MEDA I programme (1995–99), less than 30% of the loans allocated to the programme were paid. In relation to MEDA II, the percentage rose to 87%.

be mentioned, for example, and the existence of 'facilities' in the field of human rights). Secondly, the entrenched Palestinian-Israeli conflict was a constant hindrance to the negotiations.[26] Lastly, the lack of development of horizontal relations – that is, between southern countries themselves – is regrettable, as it made it impossible to create a homogeneous region south of the Mediterranean sea.

Given the shortage of positive results, and with a view to the French electoral campaign, in 2007 the then candidate Nicolas Sarkozy proposed a new project, the Union for the Mediterranean.[27] This idea, launched without the European institutions, was soon criticised by the latter and also by certain EU members, particularly Germany – which did not want the EU to lose control of the policy for the Southern Mediterranean – and Spain, which did not want the leading role it aimed to play with the EMP to be undermined.[28] In the end, this project was conceived as a complement to the EMP and based on several main principles of action. Of the six that were chosen,[29] one only could be considered to be related to security in the Mediterranean: civil protection initiatives for combating natural or manmade disasters.

The Neighbourhood Policy: creation of a circle of friends for the EU's security

In parallel with the EMP, the EU was concerned about its relations with its eastern neighbours following the demise of the Union of Soviet Socialist Republics and the disintegration of Yugoslavia. The most important EU enlargement, scheduled for the beginning of May 2004 when it took in eight new Central and Eastern European states as well as two former Mediterranean countries (Malta and Cyprus), posed a new challenge to the Union, that of maintaining a privileged relationship with its new eastern neighbours, without this involving accession in the longer run. In 2002, Romano Prodi, then president of the European

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[26]   See Gianniou, M.: 'La coopération euro-méditerranéenne et le processus de paix israélo-palestinien: une relation chronique et interdépendante', in L'Europe en formation, no. 2, 2010, pp. 213–21.

[27]   See Khader, B.: 'Unión Mediterránea: ¿bonitas palabras o buena idea?', in Política Exterior, no. 122, March-April 2008, pp. 68 and ff.

[28]   In this connection, see Bayón, D.: 'La Unión por el Mediterráneo: al final, una etapa más en el proceso de Barcelona', in UNSCI Discussion Papers, no. 17, May 2008. Retrieved from: <http: //revistas.ucm.es/index.php/UNIS/index>, pp. 207–12.

[29]   The chosen areas are: decontamination of the Mediterranean sea, the creation of land and sea connections between the main European ports and train stations in order to improve communications and transport; a programme of civil protection for the prevention, preparation and response to natural or manmade disasters, a Mediterranean solar plan, a Euro-Mediterranean university and a Mediterranean initiative for the development of small enterprises.

Commission, mentioned on several occasions the fact that the concept of neighbourhood was incorporated into the post-11-September 2001 European context. After several communications, the European Neighbourhood Policy was set in motion[30] through action plans which, once completed, would give rise to European neighbourhood agreements. External action was thus regrouped into two regional blocs of states, the Southern Mediterranean and the Eastern European countries. The idea was to propose increasingly deep economic integration to these neighbours as the partner countries progressed towards common values and principles (for example, the rule of law or respect for human rights and fundamental freedoms). Similarly, in view of the existence of multiple financial instruments between the EU and its neighbours (MEDA with the southern countries, TACIS[31] with the Eastern European countries and PHARE[32] for Hungary and Poland), they were regrouped into a single financial instrument: the Neighbourhood and Partnership Instrument.[33]

It cannot be denied that the EU has been highly creative in developing its external relations with third countries, particularly those on the southern shore of the Mediterranean. Following the establishment of a number of bilateral policies between the EU and each of the countries, it has been attempted to implement a regional policy that has proved its limits and points to the need to adapt a global approach to the particular characteristics of each partner state. Nevertheless, these relations between the EU and third states can only be conducted within the bounds of primary EU law. It is, therefore, essential to study European external action in depth in order to understand relations between the countries on both shores of the Mediterranean.

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[30] Communication from the Commission to the Council and the European Parliament: 'Wider Europe – Neighbourhood: A New Framework for Relations with Our Eastern and Southern Neighbours' COM (2003)104 final, Brussels, 11 March 2011. Communication from the Commission to the Council and the European Parliament: 'Paving the Way for a New Neighbourhood Instrument'. COM(2003) 393 final, 1 July 2003. Communication from the Commission to the Council and the European Parliament: 'European Neighbourhood Policy', strategy paper. COM/2004/0373 final.

[31] Council Regulation (EC, Euratom) no. 99/2000, 29 December 1999, concerning the provision of assistance to the partner States in Eastern Europe and Central Asia.

[32] Council Regulation (EEC) no. 3906/89, 18 December 1989, on economic aid to the Republic of Hungary and the People's Republic of Poland. It was a financial instrument aimed exclusively at EU candidates.

[33] Regulation (CE) no. 1638/2006 of the European Parliament and the Council, 24 October 2006, laying down general provisions establishing a European Neighbourhood and Partnership Instrument.

Furthering the EU's external action: from Maastricht to Lisbon

Regarding to the building of Europe, the EU had been calling for changes to the institutions and deeper amendments to the founding treaties. Following the failure of the European Constitution, the Lisbon Treaty was adopted with great difficulty and came into force on 10 December 2009. Its aim, in addition to adapting the institutions to the accession of many new members, was to enhance the EU's international visibility. Although it plays a prominent role in trade, development cooperation and humanitarian matters (irrefutable proof of Europe's ambition to extend its democratic ideals and be a leading actor on the international stage), the same cannot be said of foreign policy issues relating to security and defence[34] and the success of the new text is perhaps more relative.

As for the structure of the new European treaties, it should be stressed that efforts have been made to bring together different aspects of the EU's external action under the same title, part V of the Treaty on the Functioning of the EU (TFEU). However, owing in part to pressure from the United States, the chapter on the 'Common Foreign and Security Policy' has not been incorporated into the TFEU. Indeed, it is simply mentioned in title V of the Treaty on European Union. Secondly, the incorporation of several other articles designed to unify the external action performed by Brussels and the Member States is commendable. For example, the incorporation of 'general provisions on the Union's external action' (arts. 21 and 22 TEU and art 205 TFEU) is intended to show a certain coherence in the EU's external action, which will be reinforced by the European External Action Service, the core of European diplomacy coordinated by the High Representative of the Union for Foreign Affairs and Security Policy, which will be dealt with in due course.

Another important provision to be mentioned is article 34 of the Treaty on European Union. According to this provision, EU Members States present in international organisations or international conferences must inform other EU states that are not represented. In the particular case of the United Nations Security Council, the Member States will 'defend' the EU's positions and interests. Although several years ago the possibility was mentioned of the Union adopting a common position in this institution (which is chiefly responsible for maintaining international peace and security, no less), reality has shown that the scope of this text is limited, as we shall see when

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[34] The debates and internal disagreements of the EU in relation to the adoption of Security Council Resolution 1441 (which led to the intervention in Iraq in 2003) more than ten years ago resurfaced in connection with a possible intervention in Libya, even though they went more unnoticed. Germany abstained, despite considering it necessary to take measures – economic – to put an end to Gaddafi's regime. See Gutiérrez Espada, C.: 'Sobre el "núcleo duro" de la resolución 1973 del Consejo de Seguridad y acerca de su aplicación en la práctica', in Anuario Español de Derecho Internacional, no. 27, 2011, pp. 57–67.

analysing the adoption of Resolution 1973 (2011) on Libya, and that the EU states acted in defence of their own interests in the Council.[35]

Despite these 'limited retouches', the modifications introduced by the Lisbon Treaty are more notable on the institutional level, since it established a single presidency of the European Council, a post held by the Belgian Herman Van Rompuy from its creation. However, it is regrettable that this role is one of coordinator more than real leader within the Council.[36] Indeed, the rotating presidency of the Council among the states has not been eliminated, and its role continues to be of primary importance within the new European institution responsible for marking the Union's political direction. Lastly, as for the competences it can develop, the text adopted at Lisbon does not clearly establish the boundary between the role of president of the European Council and that of the Union High Representative for Foreign Affairs and Security Policy.

The creation of this post, which was initially held by Catherine Ashton, is above all the best innovation brought by the Treaty of Lisbon. It replaces and strengthens the post previously known as High Representative for the CFSP, as it combines three functions. Firstly, the incumbent is vice-president of the Commission and performs the functions of commissioner for external relations. Secondly, he chairs the Foreign Affairs Council. Lastly, he is head of the Council with respect to Foreign Affairs and Security Policy. This threefold function, apart from the high level of responsibility it entails, creates links between the different EU institutions that represent different interests. The Union's external action has, thus, gained greater coherence thanks to the abovementioned European External Action Service.

With respect to the EU's competences in Common Security and Defence Policy[37] (CSDP), the Treaty of Lisbon confirms certain practices. Firstly, the treaty refers to the existence of the European Defence Agency[38] (EDA),

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[35]   For an analysis of the EU's representation on the Security Council and the existing political and legal difficulties, see B.: 'La cuestión de la representación única de la UE en el Consejo de Seguridad de las Naciones Unidas', in Anuario Español de Derecho Internacional, no. 27, 2011, pp. 555–73.

[36]   Article 15 of the TEU, particularly paragraph 6, is very clear in this regard. The president of the European Council 'shall chair it [...] ensure the preparation and continuity of the work [...] endeavour to facilitate cohesion and consensus within the European Council [...]'.

[37]   With the Treaty of Lisbon, the European Security and Defence Policy changed its name to become the Common Security and Defence Policy. This is not simply a semantic change; it is considered essential to give more potential to the (nascent) European defence policy. Indeed, if we compare the provisions of primary law, the former article 17 of the TEU stated that the progressive framing of a common defence policy 'might' lead to a common defence, whereas the current article 42 of the TEU states that this policy 'will lead' to a common defence policy.

[38]   This agency was set up after joint action 2004/551/CFSP of 12 July 2004 (pursuant to former art. 17 TEU).

whose purpose is to develop defence, research and armament acquisition capabilities and achieve a proper European armaments industry. It also incorporates – and completes – the Petersberg Tasks (named after the Germany city where the members of the WEU signed the declaration creating these tasks) into primary EU law. They were originally humanitarian and evacuation, peacekeeping and crisis management missions, including the peace restoration missions carried out within the WEU. The EU took on these tasks following the Treaty of Amsterdam in 1997, but it was the Saint Malo declaration of 4 December that marked a turning point in European defence issues. In the general definition of the objectives of the Common Security and Defence Policy, Article 42 of the Treaty of Lisbon extends the scope of application of these tasks.

It should also be mentioned that the Treaty of Lisbon provides for enhanced cooperation between different members of the EU, on the one hand through article 42, paragraph 6, on permanent structured cooperation (PSC), which brings together states with greater military capabilities and, on the other, through the existence of military missions delegated to groups of certain states. Finally, the incorporation of a mutual defence clause similar to article 5 of the NATO treaty should be stressed. In other words, Member States can respond collectively if one of them is the victim of an armed aggression on its territory, regardless of its obligations to NATO.

The EU is attempting to establish itself internationally as an essential actor through a host of legal instruments. Undoubtely its credibility is gauged by its reaction to events of primary importance. In the Mediterranean area, the wave of democratic uprisings that began in December 2010, also known as the Arab Spring, spurred the EU to tailor its foreign policy more to the needs of the Southern Mediterranean states, including the security issues that affect them.

The instruments adopted between the European Union and its mediterranean partners

We have already stated that the EU's policy towards its southern neighbours embodies two different strategic lines: the Euro-Mediterranean Policy and the European Neighbourhood Policy. Although nowdays the former can be considered to have been absorbed by the latter, the agreements stemming from the EMP nonetheless remain in force. With respect to the partnership agreements of 1995 established after the Euro-Mediterranean Policy was started up, the participation of several Mediterranean third states should be stressed. Tunisia was the first country to sign

an association agreement;[39] it was followed later by Israel,[40] Morocco,[41] the Palestinian National Authority,[42] Jordan,[43] Egypt,[44] Algeria[45] and Lebanon.[46] Libya and Syria have not signed association agreements, even though in the case of Syria there were attempts to undertake negotiations that failed to prosper. To be more precise, an agreement was negotiated, but the outbreak of the internal war prevented it from being signed.[47] Finally, it should be mentioned that Mauritania, a country that has no Mediterranean coasts, did not initially belong to the European partnership but signed an association agreement two years after the Barcelona Declaration, through a progressive rapprochement.

These agreements – negotiated by the European Commission and each of the partners, adopted by the Council and the partner country, and later ratified by all the Member States (owing to the Union's lack of legal personality, which the Treaty of Lisbon rectifies) and the partner country with the approval of the European Parliament – contain three different objectives: firstly, political and security dialogue; secondly, economic issues; and

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[39] The negotiations begun in 1994 ended with the signing of an association agreement on 17 July 1995. This agreement entered into force on 1 March 1998. Recently, in May 2014, the Partnership Council underlined the progress made by Tunisia with respect to human rights (with the adoption of a new Constitution, among other measures).

[40] The association agreement between the EU and Israel, which had been under negotiation since 1993, entered into force on 2 June 2000. At the beginning of June 2014, the EU and Israel signed a Horizon 2020 association agreement – on research and innovation.

[41] The negotiations begun in December 1993 ended with the signing of an association agreement at the end of 1996, which entered into force in 2000. It should be underlined that under the SPRING programme created by the EU to help the countries favourable to democratic transition, 3 million euros worth of aid was earmarked to Morocco.

[42] In this case, it is an interim agreement that came into force in 1997.

[43] With respect to Jordan, the agreement negotiated since 1995 was implemented in 2002. It should be stressed that Jordan has also received support from the EU with respect to refugees from Syria.

[44] As for Egypt, the association agreement negotiated since 1995 entered into force in 2004. The events that followed the revolution in that country and overthrew Mubarak are closely monitored by the EU. Indeed, for the presidential elections held at the end of May 2014, the EU deployed an observer mission. No final report has been published by the EU to date in this respect.

[45] The EU and Algeria began negotiations in 1997, which led to the signing of an association agreement in April 2002. It should be stressed that these negotiations were particularly arduous. In particular, the Algerian government showed a special interest in underlining its fight against terrorism. See Blanc Altemir, A.: La UE..., op. cit., p. 69.

[46] As for Lebanon, the EU began negotiations in 1995. They gave rise to the adoption of a text in 2002 which entered into force at the beginning of 2003.

[47] In October 2004, an agreement was signed by the EU and Syria, though it did not prosper owing to the opposition of the Netherlands. In 2008, following amendments to the initial text, the EU proposed signing a final document, but the Syrian authorities requested it be postponed. Months later, before it could be signed, the current civil war broke out.

thirdly, social and cultural cooperation.[48] The comprehensive policy, a method chosen by the EU to carry out its Euro-Mediterranean policy, made it possible in the long term, when the group of states had met the goals laid down in the association agreements, to create an area of prosperity following the establishment of an area of free trade. Indeed, although this has not been the case overall, several agreements, chiefly economic, have been adopted between Southern Mediterranean states making it possible to establish links and foster solidarity between the southern countries. In this connection we might mention the Agadir Agreement between Egypt, Jordan, Morocco and Tunisia, which came into force in 2007.[49]

The method of the European Neighbourhood Policy stems from a different logic, but it in no way nullifies the association agreements previously adopted. Indeed, the action plans are based on negotiation between the EU and third countries. They are thus geared directly to the needs of the latter, in order to maximise their efficiency. What is more, this differentiated approach also includes a progressive policy. This means that it is not necessary for all the Southern Mediterranean countries to progress at the same pace. On the contrary, each state can advance at its own speed and endeavours are rewarded through financial incentives when, for example, notable efforts have been made with respect to governance. Indeed, it is considered that in the medium term the Neighbourhood Policy could be the only policy pursued towards the countries of North Africa, as it fully assimilates the Euro-Mediterranean Policy.[50]

The question of conditionality is a clause that has often been criticised, above all since the uprisings in several Southern Mediterranean countries. Included in the Barcelona Declaration, this clause (art. 3) has been reproduced in the different plans of action. Basically, it was considered that the EU should envisage the possibility of 'adopting appropriate measures' such as suspending its funding to the partner countries in the event that the Mediterranean partners failed to comply with respect for the democratic principles and the rule of law as well as fundamental freedoms. This declaration of intent (which is very cautious, as the measures that could be implemented were not specified) has not been put into practice, as evidenced by the Arab uprisings.[51] The principle of conditionality was

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[48]   Different institutions were established to allow this cooperation to be implemented, in addition to financial instruments, the most important, but not the only one, being MEDA.

[49]   See Boussetta, M.: 'El acuerdo de Agadir, integración sur-sur y Partenariado Euro-mediterráneo', in Med., 2005, pp. 174–77.

[50]   Hanf, D.: 'The ENP in the light of the new "neighborhood clause"', in Research Paper in Law, no. 2, 2011, College of Europe. Retrieved from: <http://www.coleurope.eu>.

[51]   It should also be noted that according to Alfred Tovias, the Euro-Mediterranean policy did not meet the main conditions required of a regional agreement to be effective and implemented (anchorage phenomenon). The existing room for manoeuvre in the association agreements owing to failure to specify the objectives and expected measu-

again used in the Neighbourhood Policy. Indeed, according to the European Commission communication of 2003 known as Wider Europe,[52] 'in return for concrete progress demonstrating shared values and effective implementation of political, economic and institutional reforms, including in aligning legislation with the acquis, the EU's neighbourhood should benefit from the prospect of closer economic integration with the EU'.

The uprisings in Northern Africa proved that the principle of conditionality had not been correctly applied. Nobody could deny the existence of regimes that showed little respect for their citizens' human rights. Nor was anyone denying the fact that the EU preferred established regimes with which relations could be entered into to more extremist Islamist regimes with which collaboration, if possible, would be highly criticisable and criticised.[53] The Union took its time to react. Indeed, it was not until 4 February 2011 that the European Council adopted a 'Declaration on Egypt and the region'.[54] This text confirmed the need to give a new direction to the ENP in order to support states wishing to undertake political and economic reforms. In a joint communication with the European Commission of 8 March 2011, the EU's High Representative Catherine Ashton announced an adjustment to the ENP, maintaining conditionality and a differentiated approach. The EU Council expressed its concern about the events in Egypt in August 2013 and declared that it would adjust its cooperation in keeping with the developments in the situation.[55] Acting on a communication from the Commission to the Council and Parliament of 25 May 2011 and another issued at the beginning of 2013,[56] the EU is seeking to develop a new approach towards the Southern Mediterranean countries.[57]

Although we might stress that the new approach considers democratic values and effective respect for human rights to be central to the political path to be pursued by southern partners, and that a system of positive conditionality is now employed,[58] we will have to wait a few months

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res made it easier to 'impose deviations with respect to the established commitments'. See Tovias, A.: 'La condicionalidad y la Política Europea de Vecindad', in Relaciones euromediterráneas, ICE, January-February 2009, pp. 10 and 11.

[52]   European Commission: 'Wider Europe-Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours'. COM (2003) 2004 final 11 March 2003.

[53]   See Blanc Altemir, A. and Real, B.: 'Un nouvel élan dans les relacions euro-méditerranéennes', in Paix et sécurité internationales, no. 1, 2013, p. 34.

[54]   European Council of 4 February 2011. Conclusions EUCO/2/1/11REV 1, annex II, pp. 14 and 15.

[55]   EU Council Conclusions of 21 August 2013. Ref. 13079/13 COMAG 79 CFSP 1007.

[56]   'A New Response to a Changing Neighbourhood', COM (2011) 303 final, 25 May 2011.

[57]   See Blanc Altemir, A. and Real, B.: 'Un nouvel élan...', op. cit.

[58]   In this regard the SPRING programme is an excellent example of the situation. Instead of providing economic aid to the southern states and threatening to withdraw this aid, it is now considered that aid will be allocated in accordance with states' progress towards democracy. See 'The southern Neighborhood Region programme. Support for

before drawing any conclusions on the EU's attitude. We currently still consider that the EU, from its Eurocentric point of view, does not do enough to develop or provide incentives for relations between the Southern Mediterranean countries themselves. We believe it is essential to step up diplomatic, economic and trade contacts between the states on the other side of the Mediterranean. Certain issues, as we shall see in relation to security matters, cannot be dealt with in isolation. The mere fact that the more than 1,500 km-long border between Morocco and Algeria is closed is sufficiently alarming to warrant attempts by the EU to centre its efforts on south-south cooperation. But, in this case too, the price to be paid would be a smaller role for Europe in the area.

Having defined the general framework for relations between the EU and the Southern Mediterranean countries, we must now consider, in connection with security issues, one of the EU's main concerns: whether the Euro-Mediterranean Policy as part of its foreign policy is meeting expectations.

Security, an essential aspect of the EU'S foreign policy in the mediterranean

It was stated at the beginning of this essay that security has been one of the main aspects of Europe's policy towards the Mediterranean area for a number of years. And the fact that the prospect of a possible increase in illegal immigration spurred by the Arab Spring caused tension to mount between two Member States is one of the best examples of the foregoing. In order to influence and stabilise the area, the previously mentioned 5+5 Defence Initiative, with military exercises and training activities involving five EU Member States and five Mediterranean partners, enables dialogue and cooperation in defence matters in the Mediterranean to be enhanced. Evidently, we cannot ignore the possible influence of the North Atlantic Treaty Organization (NATO) in the Mediterranean area. Indeed, cooperation between the latter and NATO is provided for and positively regarded in the association agreements between the EU and certain southern states.[59] The organisation's interest in Northern Africa dates back

partnership, reforms and inclusive growth (SPRING)'. Retrieved from: <http://ec.europa. eu/europeaid/documents/aap/2011/af_aap-spe_2011_enpi-s.pdf>. It should be stressed that Syria is currently excluded from the programme (Council Conclusions on Syria. 3091st Foreign Affairs Council Meeting, Brussels, 23 May 2011).

[59]   In the latest strategic concept adopted at Lisbon in November 2010, NATO mentions the need to cooperate with its partners, of which the EU, along with the UN, is one of the most important. See the 'Strategic Concept for the Defence and Security of the Members of the North Atlantic Treaty Organization' adopted by Heads of State and Government in Lisbon. Retrieved from: <http://www.nato.int/lisbon2010/strategic-concept-2010-eng. pdf>. For a study of relations between the two organisations, see Relaciones OTAN-UE

to the end of the Cold War, and materialised after 1994 in the so-called 'Mediterranean Dialogue'. Since then, this forum for cooperation has brought together the NATO members – it should be stressed that twenty-one countries currently belong to both NATO and the EU – and certain Southern Mediterranean states (Algeria, Morocco, Tunisia, Egypt, Israel, Mauritania and Jordan).

In order to contribute to the security and stability in the region, as well as to establishing better mutual understanding, the partner states work in two directions. On the one hand, cooperation is politically conceptualised: there are periodic NATO+7 meetings at the level of heads of state or government, foreign affairs ministers or defence ministers[60] with the NATO Council, or bilateral meetings. Furthermore, in order to give substance to the political dialogue, several Alliance military exercises are held in which the Southern Mediterranean countries can take part or attend as observers. By way of example, operation Active Endeavour was held on 26 October 2001 to fight against terrorism in the Mediterranean. Moreover during the Istanbul Summit in June 2004, in addition to making cooperation with four Middle Eastern states a reality, NATO offered its Mediterranean partners the possibility of taking part in it.

Lastly, the bilateral cooperation between certain Southern Mediterranean states and NATO should be mentioned. For example, a meeting was held in Rabat between Moroccan authorities and cyberdefence experts in May this year as part of the specific collaboration between the two parties in this field.[61]

The EU is developing different initiatives in connection with the legal instruments currently available to it, whose applications could allow the Southern Mediterranean area to be pacified. There are four main areas of cooperation: cooperation and dialogue between members of the EU and Southern Mediterranean countries; cooperation in conflict prevention and subsequent crisis management; cooperation towards the non-proliferation of weapons of mass destruction and illegal exportation of armaments; and, lastly, counterterrorism.

The political dialogue between the EU and the Southern Mediterranean states

Both, the association agreements and action plans, mention several times the need for political dialogue between the EU institutions and their

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a la vista del nuevo concepto estratégico de la alianza, documentos de seguridad y defensa, no. 46, Madrid: Centro Superior de Estudios de la Defensa Nacional, March 2012.

[60]   V. <http://www.nato.int/cps/en/natolive/51288.htm>.

[61]   V. 'Responding to security challenges in Morocco. 19 May 2014'. Retrieved from: <http://www.nato.int/cps/en/natolive/news_110247.htm?selectedLocale=en>.

partners. In common article 3 of the association agreements, Morocco, Algeria, Egypt, Jordan, Lebanon and Tunisia respectively on the one hand and the EU on the other hand agree to establish 'regular political dialogue' in order to forge lasting ties of solidarity. According to the philosophy of the ENP, this would involve creating a stable and secure area of prosperity. Article 4 of the association agreements also refers to this political dialogue as being necessary to guaranteeing peace, security and regional development. A Council and Association Committee have progressively been set up to implement the association agreements, including the dialogue on security.[62] As for the action plans of the ENP, the texts binding the EU to Morocco, Egypt, Israel, Jordan, Lebanon and Tunisia mention the intention to strengthen political dialogue and cooperation in relation to Common Foreign and Security Policy issues.

In order for the EU to implement its Common Security and Defence Policy effectively, it has equipped itself with various structures in which cooperation between the organisation and the Southern Mediterranean states can be carried out. The Political and Security Committee (art. 38 TEU) – established in 2001[63] and assisted by a politico-military working group, a committee for civilian aspects of crisis management, a Military Committee and a General Staff – which plays an important role in the CFSP as it is in charge of monitoring the development of the international situation, contributes to shaping the EU's foreign policy on this matter and supervises its implementation. It also plays a determining role in crisis management missions.

This dialogue would be ineffective if it could no be materialised into concrete collaboration. In this connection it should be stressed that several missions are currently underway in Northern Africa, coordinated by the abovementioned institutions, agencies and committees.

EU missions in the Southern Mediterranean

The missions being carried out in Northern Africa attest to the EU's involvement in the area. First and foremost, owing to its importance, there

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[62] By way of example, we might mention the May 2014 meeting of the EU-Algeria Association Council, which was partly devoted to discussing the possible adoption of an action plan (Algeria is not party to the ENP for the time being). Security issues within the CFSP were not mentioned, but the country's involvement in the 5+5 and in the Union for the Mediterranean were discussed. See <http://europa.eu/rapid/press-release_STATE-MENT-14-158_en.htm>; mention should also be made of the meeting of the EU-Tunisia Association Council in April 2014. On this occasion, the EU congratulated Tunisia for adopting a new Constitution and recognised that, despite the long journey ahead, the country's government had stepped up its efforts to bring the transition to fruition and combat certain problems, such as security issues.
[63] Council decision 2001/78/CFSP of 22 January 2001 setting up the Political and Security Committee.

is the EU EUFOR Libya military mission. Approved on 1 April 2011,[64] its aim was to back the implementation of Security Council resolutions 1970 and 1973 by providing humanitarian support in the region owing to the evident suffering of the population of the repressive regime.[65] Indeed, the EU had to help the humanitarian organisations in the area. However, this mission could only get off the ground at the request of the UN's Office for the Coordination of Humanitarian Affairs. As such request never came up, the military mission was never launched.

Now that the situation appears to have stabilised, the EU has deployed a civilian mission, EUBAM Libya, launched in May 2013. With an initial two-year mandate, civilian in nature and an envisaged 110 staff, it has been started up in accordance with the Libyan authorities to help them improve and develop the security of the country's borders, currently a major problem. Earlier on we mentioned the difficulties the northern coastal area is experiencing owing to emigrants' many failed attempts to cross the sea.[66] The mission is, therefore, particularly active in maritime aspects.[67]

Two further missions are underway in one of the most conflictive areas of the world, Israel and the Palestinian territories. Following an agreement signed by the Israeli government and the Palestinian Authority in November 2005 on movement and access of persons at the Rafah border crossing,[68] the EU decided to deploy four EU observers – as part of a mission called EU BAM RAFAH [69] – whose role was to monitor the proper functioning of the checkpoint. It is commendable that more than 500,000 people have been able to cross this checkpoint without difficulty in two different periods despite the fact that the mission, which was intended to run until the end of June 2014,[70] was called off in June 2007 (after Hamas took control of the

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[64] Council decision 2011/2010/CFSP, 1 April 2011.

[65] In January 2013, with respect to the mortal victims of the conflict of 2011, the ministry of martyrs and disappeared persons estimated that 4,700 people from the revolutionary forces had died. The death toll among those loyal to Gaddafi is not known. In relation to the civilian problem, the NGO Human Rights Watch denounced several human rights violations during Gaddafi's regime. Retrieved from: <http://ec.europa.eu/europeaid/documents/aap/ 2011/af_aap-spe_2011_enpi-s.pdf>.

[66] For example: Council declaration 140512/03, 12 May 2014.

[67] For example, see 'Training with the Libyan Naval Coast guard on basic boarding officer course'. Retrieved from: <http://eeas.europa.eu/csdp/missions-and-operations/eubam-libya/news/ 20140531_en.htm>.

[68] To view the content of the AMA (Agreement on Movement and Access), see <http://ec.europa.eu/europeaid/documents/aap/2011/af_aap-spe_2011_enpi-s.pdf>.

[69] 'European Union Border Assistance Mission at the Rafah Crossing Point'.

[70] Although this mission is currently suspended, the Council renews it every year, see 'The Council of the EU extends the mandate of EU BAM Rafah until June 2014'. Retrieved from: <http://www.eubam-rafah.eu/content/03072013-council-eu-extends-mandate-eu-bam-rafah-until-june-2014>.

area), though it can be deployed again whenever the time is right.[71] To describe this mission as a failure, when it has had to be suspended, would undoubtedly be unfair. Indeed, its aim was not to find a solution to the conflict in the area but simply to facilitate everyday life for the people living in the Gaza Strip. Therefore the EU's role, although not of primary importance, has been effective.

Another mission, EUPOL COPPS,[72] has been deployed by the EU in the same geographical area. Specifically stationed in Ramallah in the West Bank, this civilian EU mission is part of the EU action aimed at establishing a peace zone. In addition to local agents, the EU makes it possible for more than seventy international experts (from nineteen Member States as well as Turkey, Canada and Norway) to train and advise the Palestinian civilian police on various matters: combating domestic violence, drafting legal texts and police cooperation with justice. Although not particularly high-profile, the host of activities this mission organises attests to both the EU's dedication and the area's needs.[73] Granted, this mission is not in the media spotlight and is not repeatedly mentioned by the EU institutions or its Member States. However, although this background work of training police and judicial authorities does not solve the area's conflicts, it is essential for developing the values the EU is so keen to convey and which are one of the cornerstones of the rule of law.

These three above mentioned missions (evidently not including EUFOR Libya), with very different characteristics, goals and results, allow us to draw different conclusions about the EU's external action in this area. Firstly, the EU is not a leading military power today. The need for NATO is irrefutable proof of this. However, it is possible to take part in building peace using less warlike means. This work, which is not of maximum intensity and does not draw the attention of the media and politicians, is nevertheless essential to the long-term construction of an area of international peace and security.

However, once again, the absence of closer collaboration between the Southern Mediterranean countries is regrettable. Although their contribution would perhaps be minimal, as they also suffer from shortfalls in these areas (particularly with respect to building the rule of law), the presence of observers or working groups made up of professionals from other neighbouring countries could be a way of creating links between different social agents of the Southern Mediterranean countries, perhaps on a small scale but in a more lasting manner.

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[71] In relation to this mission, see <http://www.eeas.europa.eu/csdp/missions-and-operations/eubam rafah/documents/pdf/factsheet_eubam_rafah_en.pdf>.
[72] Created in November 2005: Joint Action 2005/797/CFSP, 15 November 2005, on the European Union Police Mission for the Palestinian Territories.
[73] There is a website devoted especially to this civilian mission.

Another type of cooperation established by the EU in the action plans signed with the different Southern Mediterranean states relates to a weightier issue connected with the use of force: combating the proliferation of nuclear weapons.

Combating weapons of mass destruction and non-proliferation

Although the documents drawn up in connection with the ENP do not mention this, the action plans adopted by the EU and certain Southern Mediterranean states address the delicate issue of the non-proliferation of weapons of mass destruction and combating their unlawful trafficking.[74] In order to put this into practice, the EU calls on the partners to implement Security Council Resolution 1540 adopted on 5 November 2004. Adopted pursuant to Chapter VII of the United Nations Charter, this text makes it compulsory for all states to take legislative measures to combat the proliferation of nuclear, chemical and biological weapons and their means of delivery.[75] The EU skilfully encourages its southern partners to adopt measures to combat one of today's most important threats.[76]

Nevertheless, the events that have occurred since December 2011 are not facilitating the efforts of the EU or of the southern countries. Indeed, the dwindling power of certain states has resulted in lack of control of arms and has facilitated their illegal trafficking.[77] Whereas the situation is favourable in Algeria (which has been implementing an antiterrorist policy for a number of years), not much of a problem in Morocco (which was hardly affected by the uprisings that began in late 2011 and whose government strictly controls arms) and Tunisia (owing to the scant importance of the army, the main owner of weapons), the issue is of greater concern in Egypt, as following the fall of Mubarak's regime control of part of the military arsenal was lost.

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[74] The action plans in question are those of Morocco, Israel, Jordan, Lebanon and Tunisia.

[75] According to the resolution, these are missiles, rockets and other unmanned systems capable of delivering nuclear, chemical or biological weapons, which are specially designed for such use.

[76] It should be stressed that point 4 of the resolution decides to establish a committee (called Committee 1540), currently assisted by four working groups, which studies the implementation of the resolution by the Member States (through reports submitted by the states). The committee works in cooperation with the states to create disarmament methods and sign the applicable conventions, and assists states... For an overview of the work carried out by Committee 1540, it is interesting to see its programme of work, available at <http://www.un.org/es/sc/1540/>.

[77] On this question, see in particular Cabrera Aznárez, J. L.: 'Riesgos de proliferación', in Las revueltas Árabes en el Norte de África: Implicaciones para la UE y para España, Madrid: Ministerio de Defensa and Instituto Español de Estudios Estratégicos, colección Seguridad y Defensa, no. 59, 2013, pp. 61–87.

Nevertheless, the chief concern is Libya, for three different reasons. Firstly, the fall of the regime revealed its armaments policy, which, ironically, was permitted despite Gaddafi's declaration of 2003 on abandoning his programmes for developing weapons of mass destruction, and it has been confirmed that many weapons are currently circulating in Libya. Secondly, these weapons do not belong solely to the armed forces of the state. Greatly marked by a tribal society, to ensure his power Coronel Gaddafi relied on relations with different groups located across Libya's vast territory, to which he did not hesitate to provide arms. The end of the regime and the rapid deterioration of the situation in the area have left an incalculable number of weapons in the hands of these tribes or rebel groups. Lastly, as the third aggravating cause, Libya's geographical location and the permeability of its borders means that weapons can be transported to other countries, adding to the destabilisation of the region. It is therefore of utmost importance that the new Libyan regime should gain maximum control over its territory and proceed to disarm the groups.

The role played by the EU in this matter must be of primary importance and also cross-cutting: any approach that is less than comprehensive would have a very limited effect because the borders in the area are highly permeable. More than creating incentives for Southern Mediterranean states to develop legislative measures or train staff with an awareness of these issues, the EU should step up its efforts to encourage the authorities of these countries to work closely together on this matter.

Fighting terrorism

11th September 2001 was a key moment in the international fight against terrorism. Terrorism is an extremely complex issue owing to the lack of consensus among members of the international community on establishing an official definition of the term,[78] and the only means found so far has been to draft regional or sectorial conventions.[79] Widespread in the Middle East and Africa, terrorism has inflicted wounds on the European continent on several occasions, and the EU soon realised its vulnerability and the need to adopt an effective strategy to combat this evil that

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[78] See Calduch Cervera, R.: 'La incidencia de los atentados del 11 de septiembre en el terrorismo internacional', in REDI, nos. 1 and 2, 2001, p. 174. According to the author, more than a hundred definitions of the concept of terrorism have been provided over a fifty-year period. Despite the efforts of doctrine, a satisfactory definition was not achieved. In this connection, see Ramón Chornet, C.: Terrorismo y respuesta de fuerza en el marco del Derecho Internacional, Valencia: Tirant lo Blanch, 2002, pp. 53–129.

[79] See Alcaide Fernández, J.: Las actividades terroristas ante el Derecho Internacional contemporáneo, Madrid: Tecnos, 2000, pp. 33 and 34.

knows no borders.[80] What is more, as European integration deepens,[81] combating terrorism and organised crime is currently becoming a central issue for the Union in order to be able to safeguard its citizens' security, as shown by instruments such as the Internal Security Strategy for the European Union. Towards a European Security Model of 2010.

Specifically, in connection with the counterterrorism strategy, in 2005 the EU adopted a text[82] specifying different actions for eradicating it. Prevention is the first method chosen by the EU to address the difficulties, but it is combined with protection, disruption and the necessary response. The challenges of combating terrorism are many. Firstly, this phenomenon knows no frontiers: an attack carried out in a European country may have been planned and prepared from another European country or, further complicating matters, from a third country. Secondly, states are always very reluctant to share their information on such delicate issues. The EU governments must therefore make an effort to collaborate with each other and foster mutual confidence. Lastly, the events of Northern Africa have given rise to a new phenomenon for which the European states were not prepared: their own nationals are now fleeing to African countries where radical Islamism is particularly rife to take part in the holy war. At the beginning of June 2014, at the initiative of the French and Spanish interior ministers,[83] seven EU ministers met to discuss this issue. It is reckoned that more than 2,000 Europeans have travelled to Syria to date to join in the holy war. The EU must quickly take measures to prevent this highly destabilising phenomenon from spreading.[84]

At the institutional level, the EU has different tools such as Europol and Eurojust, which allow it to combat terrorism more effectively. The first is an agency established in The Hague that makes it possible for all the Member States' national agencies responsible for citizen security to collaborate. One of its responsibilities is counterterrorism. Today it is possible for third states to take part in Europol's activities. In fact, eighteen

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[80]   See Ramón Chornet, C.: 'Desafíos de la lucha contra el terrorismo: la Estrategia de la UE tras el 11 de septiembre de 2001', in Boletín Europeo de la Universidad de la Rioja, no. 10, 2002.

[81]   For the evolution of the European policy on terrorism since the Trevi group, see De Castro Ruano, J. L.: 'La UE frente al terrorismo global, respuesta multidimensional ante una amenaza cada vez más presente', in Gutiérrez Espada and Cervell Hortal: Derecho Internacional, alianza de civilizaciones y terrorismo global, Murcia: Diego Marín, pp. 91–106.

[82]   EU counterterrorism Strategy, 30 November 2005, Brussels European Council, 15 and 16 December 2005.

[83]   It should be stressed that counterterrorism does not just affect matters of foreign relations, but also internal issues. Indeed, the EU adopted the internal security strategy mentioned in the previous paragraph.

[84]   See Gallego, J. G.: 'La UE prepara un plan para prevenir el reclutamiento de yihadistas europeos', in El Mundo, 17 June 2014.

currently cooperate with the agency, through agreements on strategy or operations. However, the absence of Southern Mediterranean states is regrettable. There is no doubt that this cooperation would be highly useful for combating Islamic terrorism; indeed, the Internal Security Strategy of February 2010 mentions the need to improve the agency's involvement in the EU's CSDP missions.

Eurojust, established in 2008, is an agency that advises Member States on the investigation and prosecution of more serious aspects of organised crime and allows cooperation between them to be reinforced. Centred more on events occurring within Europe, Eurojust is nonetheless a necessary instrument in eradicating or, at least, curbing terrorist acts.

As for the Southern Mediterranean states, regrettably there are many complications. Whereas Algeria is closely involved in combating terrorism, the negotiations that can be conducted with its neighbours are often highly problematic. Indeed, irrespective of whether the Western Sahara dispute or the poor relations between the Maghreb and the Sahel are to blame, the fact is that cooperation between the players of the southern shore is difficult to put into practice.[85] There is no doubt that terrorism is one of the most important issues that need to be dealt with in Northern Africa and that this lack of communication between the different actors is an evident handicap. Any effort to combat fundamentalist terrorism would be welcome and therefore the EU's various initiatives can only be viewed as positive. However, once again, the EU cannot limit itself to north-south action and must endeavour to foster cooperation between the Southern Mediterranean states, even though this may cause it to lose importance in the area. Perhaps this is one of the ways of helping bolster security in the area.

Nevertheless, counterterrorism efforts are highlighting one of the current problems: the insecurity of the Sahel, which is closely tied to the security of the Maghreb countries.

The european policy towards the Sahel[86] vis-à-vis the 'development-security' crisis

While the stability of Europe partly depends on that of its neighbours, theirs in turn is influenced by that of their own neighbours – specifically the Sahel countries. This region is currently highly unstable and

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[85] See Tisseron, A.: 'Enchevêtrements géopolitiques autour de la lutte contre le terrorisme dans le Sahara', in Herodote, no. 142, 2011, pp. 105–7.

[86] The Sahel region is made up of several states from the Atlantic to the Horn of Africa (from west to east) and from the Maghreb in the north to sub-Saharan Africa in the south. It regroups eight states, which are: Burkina Faso, Chad, Eritrea, Mali, Mauritania, Niger, Senegal and Sudan.

the consequences for the EU a could be a failure of its efforts to foster stability and security in the Southern Mediterranean. There can be no doubt that the Sahel will be one of the most important strategic areas for the EU if it is to assert its role as leading international actor, especially in security issues.

As we shall see, there are many difficulties and the events in Libya have progressively exacerbated the complexity of the geopolitical area. The EU has its 'classic' instruments for addressing these challenges, such as the agreements it has managed to conclude, which are focused chiefly on economic issues and organised according to a Eurocentric conception. It has therefore had to adopt a new approach for its strategy for the Sahel region. Finally, when preventive measures have failed to keep the regional situation in check, the EU has had to deploy missions: EUCAP Sahel on the one hand, and EUTM Mali on the other.

The strategic importance of the European policy towards the Sahel

One of the particular features of the African continent, especially in the Sahel region, is the existence of vast territories and lack of state control of these areas; this gives rise to situations with disastrous consequences for international peace and security.

On the one hand, it should be stressed that the Sahel region is one of the poorest in the world, as it includes states with major humanitarian needs and serious failings in governance.[87] Indeed, marked by drastic geographical and climate conditions, the area suffers from chronic famine owing to periodic droughts. Furthermore, the Sahel countries have an extremely serious security deficit that is exacerbated by these problems. The existence of terrorist groups such as Al Qaeda in the Islamic Maghreb and Boko Haram, which was recently in the media spotlight owing to the kidnappings in Nigeria, but also the powerful nomadic Tuareg population with political aspirations, particularly in Mali, are a major source of destabilisation. What is more, various illegal activities are rife in this hostile environment, such as trafficking in weapons and people and organised crime, among others. Lastly, as if this were not enough, the fall of Gaddafi's regime in Libya further heightened the area's instability. For example, as mentioned earlier, many weapons went missing and Tuareg (possibly carrying some of

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[87]   For example, one of the countries currently considered a failed state is Mali, where state institutions coexist with tribal systems, with no real link between the two. See Jiménez Piernas, C.: 'Estados débiles y Estados fracasados', in REDI, vol. LXV, no. 2, 2013, pp. 34–40.

these weapons) crossed the southern borders.[88] In view of this explosive situation,[89] in October 2010 the EU decided it was necessary to adopt a strategy for the area.[90]

The conceptual difficulties of the strategy for the Sahel

Considering that this instability could have repercussions on the security of European citizens, in September 2011 the EU published the Strategy for Security and Development in the Sahel.[91] In view of the security priorities (which are mentioned in the third part of the document), it is evident that it was essential for the organisation to act in a manner coherent with its foreign policy. Indeed, as in the ENP implemented in the Mediterranean countries, the difficulties in the Sahel lie chiefly in terrorism, and in other factors such as arms trafficking. The absence of a reaction from the EU would have undermined the effectiveness of the efforts made within the EMP-UfM and the ENP.

Owing to the region's extreme poverty, which exacerbates stability problems, the EU is basing its strategy on two inseparable approaches: development and security. Nevertheless, it is necessary to stress a series of difficulties that are impairing its work, above and beyond the measures to be taken. The Union initially focused its strategy on Mauritania, Mali and Niger, leaving aside Burkina Faso, Senegal, Sudan and Chad. Although the situation shows that a comprehensive approach would perhaps be the most appropriate, the EU prefers to centre its attention on these three states, pushing others into background, particularly Chad (which shares borders with Libya) and Sudan (which shares them with Egypt). This decision undoubtedly stems from the presence of Al Qaeda in those countries, even though the lack of physical obstacles allows the insurgent groups to move freely around the whole of this huge area.

Secondly, the work of the EU was also impaired by cooperation difficulties between the African countries themselves, particularly between those of

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[88] Following the events in Libya, more than 200,000 Tuareg are thought to have arrived in the Sahel, finding themselves in a disastrous humanitarian situation owing above all to the shortage of food. See Bello, O.: 'La implementación de la estrategia de la UE para el Sahel: entre arenas movedizas', documento de trabajo, no. 114, November 2012, FRIDE. Retrieved from: <http://www.fride.org>.

[89] Indeed, the situation in the area had been deteriorating for several years: hostage taking, Tuareg demonstrations, a rise in terrorism with AQIM… In this connection, see Keenan, J.: 'El reto de la seguridad en el Sahel: las perspectivas argelina, marroquí y libia', in Anuario IEMed 2011, pp. 166–69.

[90] The EU Council (foreign relations formation) had expressed its concern about the lack of security in the Sahel region since October 2009. See Keenan, J.: 'El reto…', op. cit., p. 166.

[91] Retrieved from: <http://eeas.europa.eu/africa/docs/sahel_sahel_strategy_en.pdf>.

the Maghreb and those of the Sahel. Indeed, although, as we have seen, Algeria is proving to be an exemplary pupil in counterterrorism, its absence from the Bamako conference on the phenomenon of terrorism in the region in October 2010 is a clear example of the lack of understanding between the different states in the region.[92]

Thirdly, although a global approach at the level of the African Union (the regional organisation that brings together the largest number of African states) would require considerable effort, the sectorisation of the European approach to the continent is a source of difficulties, both technical and with respect to a forum for discussion. There are several policies towards the continent: EMP-UfM, ENP (for the Southern Mediterranean states), the Cotonou accords for the ACP states[93] and the recent EU–AU partnership.[94] The Sahel strategy adds a new strand to the complicated relations between the EU and the African states. In the technical field, while Europe's financial neighbourhood instrument (replaced in January 2014 by another that is better adapted to the new ENP) has absorbed the old MEDA II, with the strategy for the Sahel it is necessary to bear in mind the European Development Fund, which is the financial instrument used with Niger, Mali and Mauritania.

The main points of the strategy towards the Sahel

Using the same method to which it has accustomed us, the EU always views security issues in conjunction with another dimension, in this case development policy. As for the states chosen by the EU, we have already mentioned that the policy is limited to the countries that are most exposed to Islamic terrorism, even though the document (on the first page)

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[92] See Keenan, J.: 'El reto....', op. cit., p. 170.

[93] These agreements, which were initially economic, stemmed from decolonisation and the wish of the colonising countries to preserve the advantages granted to them by their former colonies. The ACP group (Africa, Caribbean and Pacific) is a fictitious construction that relates to the building of Europe. Indeed, with the 6-strong European Economic Community, the main partners (through the Yaundé I Accords) were African. Following the accession of the United Kingdom, Ireland and Denmark, which wished to maintain privileged relations with the Commonwealth members, the ACP group was established pursuant to the Georgetown Agreement of 6 June 1975.

[94] Aware of the growing prominence of the African Union, the EU started up a dialogue with it. Following the first summit meeting in Cairo in 2000, where the African partner was still the OAU, at the Lisbon summit held in December 2007 a joint Africa-EU strategy was agreed on (EU Council: 'The Africa-EU Strategic Partnership. A Joint Africa-EU Strategy', 9 December 2007). These bilateral relations between the two regional organisations entail political objectives for achieving a genuine partnership on an equal footing, the promotion of development (with the questions of peace and security, good governance...) and the preparation of a joint response to world challenges. Specific strategies applicable to peace and security issues, good governance and human rights, trade and regional integration are therefore envisaged.

advocates a global approach. The problems detected by the EU following previous investigations relate to weak governance, which undermines development policies, lack of regional cooperation, a deficient rule of law and major shortfalls in security issues (chiefly lack of control of the area, including the borders, and extremism).

In order to improve the situation in the area, the EU is proposing a strategy with two timeframes: short term (three years) and medium term (between five and ten). It is considering several working methods for achieving the envisaged goals: bilateral relations with each country (also recalling the existence of agreements with the Maghreb countries), but also a multilateral environment (with the AU and the Economic Community of West African States, ECOWAS) based on strategic courses of action.[95] Lastly, the European strategy is applied differently to each of the states, depending on their needs.

Evidently, as it turned out, the EU's strategy did not have time to be effective, as at the beginning of 2012 the Malian authorities requested France's assistance in keeping the situation under control (the mission in question will be examined in due course). Since then, the EU has endeavoured to maintain the situation. Recently, in March 2014, it announced its intention to extend its Sahel strategy to two new states, Chad and Burkina Faso.

The fact that the EU has extended the strategy to the Sahel shows its determination and strengthens the global focus that the Brussels institutions wish to give it. Nevertheless, immediate results cannot be expected, especially since this strategy is only just beginning to be developed. It is to be hoped that the EU will be able to achieve its goal in a fully satisfactory manner, but that it will also attempt to bolster relations between the different southern states.

The missions deployed to the Sahel region

The EU's global approach in Northern Africa and the Sahel can be seen in the missions performed in the framework of its Common Security and Defence Policy. We can currently stress several missions that have been adopted in the area on account of the disastrous consequences of the events of the Arab Spring and, in particular, in relation to the threat of terrorism. The first recent mission to this geographical area is EUCAP Sahel. Following a request from Niger on 1 June 2012 to the Union High Representative, the EU, taking a global approach,[96] decided to establish

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[95]   These strategic courses of action are based on the four groups of problems detected. Nevertheless, as the document is general in scope, the proposed measures are generic (contributing to social development, strengthening the state's capabilities…).

[96]   Council Decision 2012/392/CFSP of 17 July 2012 on the European Union CSDP mission in Niger; and Political and Security Committee Decision 2012/436/CFSP, 17 July

a civilian mission in Niger aimed chiefly at combating terrorism and organised crime, which increased after the events in Libya, with which it shares more than 350 km of borders.

This mission, to which ten Member States contribute, including Spain with three civil guards (one, Civil Guard colonel Francisco Espinosa, has been the first chief of the mission), pursues various objectives: to improve security in the country (by collaborating in training Nigerien security forces), combat international terrorism and strengthen the rule of law.

To carry out this mission, the EU also allows third parties to take part.[97] What is more, to improve integration in the region and boost the comprehensive approach of the European policy in the area, the Union has sent a liaison officer to the mission in Mali and Mauritania, countries to which the strategy towards the Sahel is also applied.

Another foreign policy mission – EUTM Mali, aimed at training Mali's armed forces – was deployed in Mali at the end of February 2013.[98] This mission, which is not involved in fighting, brings together twenty-eight countries, including five non-members of the EU (Georgia, Moldova, Montenegro, Serbia and Switzerland), and has been extended to May 2016. Its main purpose is to contribute to re-establishing a constitutional and democratic order in the country by allowing its government to develop tools with which to regain control of its territory, now a locus of terrorist and Tuareg movements.

Once again, although the EU's efforts in the Sahel area to contribute to regional peace and security are commendable and should have positive repercussions in the Old Continent, we nevertheless should stress once again the lack of integration of the states that ought to be the main parties involved in the area: the African neighbours. European paternalism must not be transformed into permanent tutelage and the comprehensive approach must not be restricted because it is too difficult and slower to implement. This is clearly a long-distance race and the EU must limit itself to ensuring that the runners are properly trained.

Conclusions

Throughout this article we have attempted to provide an overview of the EU's external action with respect to its Southern Mediterranean neigh-

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2012, on the appointment of the Head of Mission of the European Union CSDP mission in Niger (EUCAP SAHEL Niger).

[97] Council Decision 2012/392/CFSP of 17 July 2012 on the European Union CSDP mission in Niger, article.

[98] Following the adoption of Council Security Resolution 2085 (2012) of 20 December 2012.

bours, both immediate (the Maghreb countries) and more distant, such as the Sahel states. The EU deploys a by no means insignificant number of instruments. Through its regional policies and the Common Security and Defence Policy, the EU is showing undeniable determination to intervene.

Another matter is gauging the efficiency of the policies implemented by the EU. The large number of policies and financial instruments can be considered a symptom of the inappropriateness of the means used. An approach focused chiefly on economic cooperation has failed to reap results, as shown by the events that began to occur in December 2010 in the Southern Mediterranean. But the EU is still too limited in its military capabilities to believe itself in a position to solve the difficulties encountered by our neighbours on its own. Therefore the civilian missions, whose results are perhaps less visible, cannot be abandoned as their impact is by no means insignificant.

Lastly, the EU must clearly define its priorities. A paternalistic attitude could be rejected by its neighbours. An approach that focuses on economic issues could be interpreted as self-interested. It is important for the Union to find a balance between all the aspects involved in establishing an area of peace, stability and prosperity.

In conclusion, the EU must not forget that security issues cannot be pushed into the background. Perhaps renouncing a bigger role for itself in the Southern Mediterranean or the Sahel in order to allow the states in the area to involve themselves in their own future, but without abandoning them, is not a sign of weakness. On the contrary, it could be a sign of maturity.

Military capabilities of the European Union: a politico-military dimension for a global actor

Juan Carlos Martín Torrijos

Chapter three

Abstract

The European Union Treaty (May 1999) laid the political foundations for the development of a security and defence dimension for the European Union, which, evolving since the establishment of the European Communities, was beginning to address the question of how to become a global player in connection with the Common Foreign and Security Policy. As a first step, it became evident a few months later, at the Helsinki European Council (December 1999), that a military capability was required for crisis management and the Union therefore set about achieving a general objective known as the 'Helsinki Headline Goal' in order to carry out the Petersberg tasks.

Taking this as a basis, this chapter attempts to show how the European Union is addressing this challenge, in which the creation of the European Defence Agency (EDA) is playing a definitive role and the political and industrial component holds just as much weight as the purely military dimension of the challenge, if not more; this is a logical consequence of the real nature of the European Union, which is very different from that of the other major defence organisation, the North Atlantic Treaty Organization, which from the purely military point of view has marked the second half of the 1900s and the first years of the new century.

Finally, the chapter also refers to the military programmes in which the European Union is involved, chiefly for information purposes.

Introduction

When the opportunity arose to write about the EU's military capabilities, it was inevitable that I should recall the first months I served as assistant military advisor in the Spanish Military Representation to the European Union Military Committee (MILREP-EU) in the second half of 2007, precisely on the orders of the coordinator of this monograph, Admiral Treviño Ruiz, then Spain's military representative to the Military Committees of the North Atlantic Treaty Organization (NATO) and the EU.

My first impressions stemmed from a sensation of the EU's military dimension that was very common to most Spanish military and undoubtedly provides a good starting point for reflecting on the importance and role of the military dimension in the EU's economic, political and social underpinnings.

I will begin by describing these sensations because my aim is ultimately to provide readers with an informative, slightly more personal approach to a subject for which, in order to gain a correct understanding, it is of paramount importance to analyse in detail the role of the EU's military side. Although increasingly present in the daily life of EU citizens, this dimension is greatly unknown to most Spaniards and even to many armed forces professionals. This survey will nonetheless be conducted with rigorous standards.

Working and even just living in Brussels gives one a better idea of the role of the military dimension in the EU. This city, as the EU's political capital, is home to most of the EU's institutions, but it is also the headquarters of NATO, its political core – a fact that is undoubtedly conducive to a 'readjustment' of the professional vision that is generally held of both organisations.

Spain joined NATO on 30 May 1982, though it did not become a full member until 1997, when José María Aznar was president of the Spanish government. Ten years later the Spanish military, who to some extent viewed the organisation as a sort of panacea that would allow Spain to turn into the twenty-first century on an equal footing with their comrades-at-arms of neighbouring countries, held what we might call a 'NATO-centric' perception of the role played by the organisation in structuring defence in our geostrategic area that made it the 'lion's share' of the defence policy of our country, of our allies and of our world view of the reality of that policy.

However, another reality can be 'sensed' in Brussels: the signing of the Treaty of Accession in Madrid and Spain's incorporation into the European Economic Community (EEC) on 12 June 1985 marked the end of a long process towards a goal our country had pursued since the beginning of democracy following the death of the previous head of state. The same reality is sensed by the average citizen, especially since the signing of the

Treaty of Maastricht that gave the EU a common currency and even led it to change its name from EEC to EU – another expression of the new role this organisation aims to play on the world stage; indeed, it may be said that since then the EU has begun to progress towards greater political unity in order to become a leading world actor. However, as stated earlier, this perception is not the same as that of the military, who cannot help viewing the world around them through the filter of their professional reality; their everyday reality leads them to regard NATO as the 'mother' of all defence organisations and for the Spanish military NATO is furthermore the key to integration with the armed forces of our neighbours and allies.

Therefore, when someone with a professional background of international collaboration that is, at most, bilateral (as the military environment was in those decades) arrived in Brussels following Spain's incorporation into NATO to begin working on the EU's military dimension, his first sensation tended to be a sort of military 'Euro-scepticism' towards the work of the EU's Military Committee: it was not easy to understand how an eminently political organisation with a dimension heavily conditioned by its economic background (it is significant that it is the daughter of the EEC and granddaughter of the European Coal and Steel Community (ECSC) and the European Atomic Energy Community (EURATOM)) could attempt to build a new military structure in which twenty-two of its twenty-eight Member States were also NATO members.[1] The other sensation that was generally experienced was an inability to understand how, with so many Member States also belonging to NATO, it was possible that there could be so much lack of understanding between both organisations, to the extent that the EU's Military Committee referred to NATO as 'that other organisation, on the other side of Brussels'. And finally, a few months later, one would begin to realise that NATO is but a drop in the ocean of institutions present in Brussels, whereas the EU is perceived as an 'omnipresent' entity which, as stated, began to take shape as a major actor on the world strategic stage after the Treaty of Maastricht. As explained above, reality prevailed and the military officer, who is trained to be 'pro-NATO' , would begin to discover a different balance of powers in which the EU (in whose 'genetic makeup' the economic aspect weighs heavily) played an important role on the world stage, with a new political and, by extension, military orientation, albeit with two major limitations: the first 'genetic' (the economic aspect has significant influence on the Common Security and Defence Policy) and the second the absence of the American giant, to which it is nonetheless bound by very many economic, political and military ties.

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[1]   Austria, Cyprus, Finland, Ireland, Malta, and Sweden are not NATO members.

I should point out that added to this mixture of changing sensations experienced by any military officer who had recently arrived in the political capital of Europe was the role I was to play as Spanish representative to the EU Military Committee Working Group/Headline Goal Task Force (HTF), with a mission directly related to the military capabilities with which the EU wished to equip itself. This soon led me to begin to see the EU's military role in another light.

It was a shift from 'military Euro-scepticism' to conviction of the EU's need to develop a common European security policy in which the military component has a markedly economic and industrial dimension, in which the United States is not part of the organisation's military capability though it paradoxically largely relies on this organisation on the other side of Brussels in which America plays the most important role and, accordingly, marks its strategy. All in all, it is a reality imposed by a Europe that needs to play a significant role on the world strategic stage, without ceasing to be an essential US ally – a reality in which they are all part of a bloc with common but also disparate interests.

Evolution

The ECSC countries[2] may possibly have wanted more than an economic association, and they therefore designed the European Defence Community (EDC) as the first step towards achieving greater political unity. The founding treaty was signed on 27 May 1952, but it was not ratified by France when it was submitted to the National Assembly for approval in August 1954 and it therefore did not come into force. This slowed down progress towards the political union of the ECSC countries and the various supra-state organisations that succeeded it. However, following thirty years of slow progress, a key event speeded up the momentum towards integration: the fall of the Berlin wall (or the wall of shame, as western European public opinion called it) on 9 November 1989, twenty-eight years after it was built. Indeed, many analysts stated that this date marked the start of the process of building Europe in which we are currently involved, though its pace has not always been uniform or peaceful and it is subject to many ups and downs, both in the recent past and in what may occur after the recent elections to the European Parliament in May 2014, the consequences of whose results, which have only just been officially proclaimed at the time of writing this article, it is still very early to analyse.

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[2]   Germany, France, Italy, Belgium, Netherlands and Luxembourg.

The Balkan war (or wars, because as many as nine different conflicts can be identified)[3] of the late twentieth and early twenty-first centuries (1991–2002) shook Europe out of its hitherto 'comfortable' position, as it had been relying on the fact that the large majority of the EU or WEU countries belonged to NATO to meet its defence needs.

Following the entry into force of the Treaty of Amsterdam (signed on 2 October 1997 and in force since 1 May 1999), the EU Member States basically set out to create a common area of freedom, security and justice (AFSJ) at the Tampere European Council (October 1999).

Subsequently, the Helsinki European Council (10 and 11 December 1999) included in its conclusions the adoption of the Presidency's two progress reports on the development of the Union's military and non-military crisis management capability as part of an enhanced European Common Security and Defence Policy. At this European Council the EU Member States adopted a highly ambitious political goal as a means of structuring what is undoubtedly, even though today it is not yet fully visible, an embryo of military collaboration initially designed to provide the basis for the EU's participation in the so-called Petersberg tasks:[4] the voluntary contribution towards providing the military capabilities required to carry out these tasks. The overall objective called 'Helsinki Headline Goal' (Helsinki HLG) was established at this point.

The politico-economic dimension of the European Union's military capabilities

The timeline is a very important methodological basis for a systematic study, but this article sets out to give a more informative focus to what is in itself a fairly technical matter. Therefore, we will stop to reflect, albeit briefly, on the other, non-military implications of this process.

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[3] The Yugoslav wars can be divided into three groups of different conflicts:
Wars during the breakup of the Socialist Federal Republic of Yugoslavia:

1. Ten-Day War (or Slovenian independence war, 1991).

2. Croatian War of Independence (1991–95).

3. Croatian-Bosnian War (1991–93).

4. Bosnian War (1993–95).

Wars in areas populated by Albanians:

1. Kosovo War (1999).

2. South Serbian conflict (2001).

3. Macedonian conflict (2001).

NATO air strikes against the Serbs:

1. Bombing of the Republika Srpska (1995–96).

2. Bombing of Yugoslavia (1999).

[4] The Petersberg missions were established in 1992, when the WEU was on its 'deathbed', and envisage participation in peacekeeping, humanitarian and crisis management actions.

I am referring specifically to the politico-economic dimension. The EU has expressed its wish to be a significant actor in the field of international security; as the European security strategy establishes, a more active, capable and coherent actor. In keeping with the foregoing, in December 2008, five years after adopting the European security strategy, the EU heads of state and government decided on the desired level of political ambition on the world security and defence stage:[5] to be capable of deploying 60,000 men within sixty days for a major operation and of planning and conducting simultaneously:

- Two important stabilisation and reconstruction operations, with a suitable civilian component, supported by a maximum of 10,000 men for at least two years.
- Two rapid response operations of limited duration, using the EU's tactical battle groups in particular.
- An emergency operation for the evacuation of European nationals (in less than ten days), bearing in mind the primary role of each Member State as regards its nationals and making use of the consular lead State concept.
- A maritime or air surveillance/interdiction mission.
- A civilian-military humanitarian assistance operation lasting up to 90 days.
- A dozen CSDP civilian missions.

These capabilities should allow the EU to carry out the full range of Peterberg tasks, including crisis management through peace-making operations.

The Treaty of Lisbon includes additional tasks and a mutual defence clause – albeit with reservations;[6] the level of ambition must therefore be understood to be confirmed, at the least.

However, the reality is that twenty-two years on from the adoption of the Petersberg tasks and five from the establishment of the level of ambition, the EU displays major imbalances in its capabilities, which make the achievement of this level questionable. As pointed out by the European Union Institute for Security Studies,[7] overall the EU aims, in theory, to establish itself as the second biggest world military power: two of its Member States are nuclear powers, and it includes several medium-sized states with highly efficient armed forces and many countries that are small but have significant military capabilities. However, this military potential

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[5]   Declaration of the European Council on the enhancement of the European security and defence policy, annex 2 to the Presidency conclusions of the European Council of December 2008.
[6]   Articles 42(7) and 43 of the Lisbon Treaty.
[7]   EU ISS-Enabling the future-European Military Capabilities 2013-2025-Challenges and Avenues.

is very imbalanced; there is an excess of capabilities in some areas – as a result of the logic of Cold-War military planning[8] – and significant shortfalls in others, mostly in the field of strategic enablers: strategic air and maritime transport, tactical airlift, air-to-air refuelling, campaign hospitals, cyber-resistant command and control systems, ISTAR (Intelligence, Surveillance, Target Acquisition and Reconnaissance) capabilities and smart munitions. Three of these shortfalls became evident during the intervention of several European military powers in the Libyan campaign, and during the French operation in Mali: air-to-air refuelling, ISTAR and smart munitions. These operations would not have been possible without the assistance of the United States, whose announced strategic pivot to the Asia-Pacific region calls into question the EU's ability to undertake similar operations in the future.

In short, from the early post-Second World War days, the defence strategy of the EU Member States vis-à-vis the threats of the communist countries (the other side of the iron curtain) was based nominally on NATO and, actually, on the war potential of their main ally, the United States. However, the world does not precisely have a static framework – less still then; rather, owing to the constant evolution of events, of life itself, situations we knew yesterday and which even marked several decades and the history of two generations at least are changing dramatically. This is not the place to analyse why; we merely wish to stress the reality of events and their implications. The United States' involvement in the defence of Western Europe is immobilising and taking up important nation economic resources. American society regards this as unnecessary expenditure, as Europe should be in a position to take on its own responsibilities in this field, especially at a time when the EU is seeking to become a leading world economic power and, as such, a market rival of the United States. All this comes at a time when another region of the world that never ceased to be of interest to the United States – Asia-Pacific (China, northwest Asia and southeast Asia) – is demanding its attention owing to factors such as competition with China for a broad range of strategic interests of both nations. The consequences of this shift in attitude mean that, although there is no perception of the danger that Europe will be left to its own devices in matters affecting its security, the European countries will necessarily find themselves more evidently on the receiving end of the United States' traditional reproaches for their scant contribution to European security matters. Given this state of affairs, Europe is seeking ways of assuming its immediate security and defence obligations through various initiatives and by acquiring military capabilities, so that it can at last become the global security actor it aims to be.

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[8]   For example, the EU countries' inventory of battle tanks numbers 5,000 slightly fewer than those of the USA.

In December 2003, the European Council adopted secretary-general Solana's document entitled 'A secure Europe in a better world', known since then as the 'European security strategy', section I of which establishes the challenges Europe then faced. These were: terrorism, the proliferation of weapons of mass destruction, regional conflicts both near and far that could have direct or indirect repercussions on European interests, and the effect of weak or failing states and organised crime on Europe. But, above all, it recognised that the combination of these latter three elements would pose a very radical threat to Europe.

Section II ('Strategic Objectives') establishes the EU's wish to actively address the main threats it then faced, and to build security in neighbouring countries and multilateralism in international politics. In this connection, the document already recognised that Europe needed to be more active in pursuing these strategic objectives and that it should therefore develop a strategy that fosters early, rapid and, if necessary, robust intervention. But this meant that the EU must increase its defence expenditure if it was to conduct several operations simultaneously. When referring to the neighbouring countries, the ESS distinguishes between countries to the east of the EU and those located to the south, in the Mediterranean area and beyond.

Although, given its year of publication, the document needs an in-depth revision and updating, both the strategic challenges and the strategic objectives mentioned in it remain valid for the time being. Although the report of the High Representative (HR) of the Union for Foreign Affairs and the Common Security and Defence Policy (15 October 2013) in preparation for the European Council meeting of December 2013 provides no new challenges or threats to European security with respect to those envisaged in the ESS, it does recognise that the European strategic environment is characterised 'by increased regional and global volatility, emerging security challenges, the US rebalancing towards the Asia-Pacific and the impact of the financial crisis'. That is, the very EU recognised that the United States was looking increasingly keenly towards another geostrategic region as a result of world geostrategic developments, and that Europe must therefore take greater responsibility for its own security and that of its neighbours.

The Obama Administration showed great interest in the Asia-Pacific region from the start of the president's term in office in 2008. From the outset he made it clear to his partners and allies in the region that the rise of China was a threat to American supremacy and that the United States would face up to it. He also stated that Europe was no longer the security priority it had been during the Cold War and that Europeans should deal with crises arising in their own backyard: the United States would support its allies in these conflicts (wars of necessity), but not in others

(wars of choice) in or around Europe. This change of attitude was clearly seen when the Libyan crisis broke out in March 2011.

In addition to the political dimension of the ESS, the EU should react by adopting comprehensive measures in which the economic dimension, closely connected to the previous one, plays a predominant role. However, the current economic crisis has forced the European nations to make tight adjustments to their budgets and to choose between military expenditure and other expenses that their populations perceive as more unavoidable. This crisis, which began in 2008, has affected the United States moderately, but the European countries as a whole have been the worst hit and have had to reduce their military spending by 20.4%, especially Spain (29.1%) and Italy (32.2%).

This economic outlook is making it necessary to seek new ways of achieving the capabilities required to attain the objectives of common security and defence.

Even so, the EU remains intent on becoming a significant, active and coherent player in the international security field. For this purpose it has established the level of ambition mentioned at the start of this section; but economic will and reality – resulting among other factors from the present economic crisis – appear to be out of sync with political will, as there is a marked imbalance between the percentage of GDP that the EU and the United States allocate to defence spending. Although NATO strongly advises that each of its members earmark at least 2% of national GDP to financing the military bloc, Spain, for example, allocates 0.9% of its GDP, Germany 1.3%, Italy 1.7%, France 2.3% and Britain devotes 2.4% of its economy to defence, to quote the figures for the largest military powers of the EU,[9] which as a whole assigns 1.6% of its GDP to defence,

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[9]   Source: World Bank, 2014, based on data on military spending from the Stockholm International Peace Research Institute (SIPRI) created by the Swedish parliament. They are in accordance with the NATO definition, which refers to all current and capital expenses relating to the armed forces, including peacekeeping forces; defence ministries and other government bodies involved in defence projects; paramilitary forces, if they are considered to be trained and equipped for military operations; and activities in the military field. These expenses include military and civilian personnel, including retirement pensions of military personnel and social services for military personnel, operation and maintenance, procurement, research and development, and military assistance (in the military expenses of the donor country). Civilian defence and current expenses of previous military activities such as veterans' allowances, demobilisation, conversion and destruction of weapons are not included. However, this definition cannot be applied to all countries, because this would require much more detailed information than is available in military budgets and non-budget items of military expenditure (for example, military budgets may or may not encompass civilian defence, reservists and ancillary forces, police and paramilitary forces, dual purpose forces such as the military and civilian police, military gifts in kind, pensions for military personnel and Social Security contributions paid by one sector of the government to another).

whereas the United States assigns 4.4% of its GDP to its armed forces – incidentally, the same percentage as Russia.

To attempt to change this trend and equip the EU with a credible and, as far as possible, autonomous military capability, in 2004 the EU Member States created the European Defence Agency (EDA). Article 45.1 of the EU Treaty assigns the EDA the following tasks:

1) Contribute to identifying the Member States' military capability objectives.
2) Promote harmonisation of operational needs.
3) Propose multilateral projects to fulfil the objectives in terms of military capabilities and coordinate the programmes implemented by the Member States and specific cooperation programmes.
4) Support defence technology research and coordinate joint activities.
5) Contribute to strengthening the industrial and technological base of the defence sector and improving the effectiveness of military expenditure

The EDA has become a de facto reference institution in the development of the European defence industry. More significantly, irrespective of the importance Member States may attach to this industrial dimension, it is the defence ministers who sit on the EDA's Steering Board, whereas the ten EU Council formations[10] do not include one specifically for these ministers, who only sit on the Foreign Affairs Council, but accompanying the foreign ministers. In other words, the EDA provides the defence ministers of the Member States with a forum where they can adopt significant decisions.

Military capabilities of the European Union

Background

Before continuing with the study of the EU's acquisition of military capabilities, I believe it is necessary to provide a brief timeline for a better understanding of the context.

The Treaty on European Union (May 1999) laid the political foundations for the development of a security and defence dimension, placing it at the ser-

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[10] General Affairs, Foreign Affairs, Economic and Financial Affairs (including Budget), Justice and Home Affairs (including Civil Protection), Employment, Social Policy, Health and Consumers, Competitiveness (Internal Market, Industry, Research and Space), Transport, Telecommunications and Energy, Agriculture and Fisheries, Environment and, lastly, Education, Youth and Culture and Sport (including audio-visual matters).

vice of the objectives of the Common Foreign and Security Policy (CFSP),[11] and referred to the progressive framing of a common defence policy that might lead to a common defence if the European Council so determined. These ambitious declarations were later qualified as to their scope by the statement that the common defence policy would take the form of performance of the missions known as Petersberg tasks, as stated earlier.

A few months later, the Cologne European Council (June 1999) declared that the Union needed a military capability for crisis management as a substantial and priority aspect of the development of the common defence policy. Without renouncing the role of the Atlantic Alliance as the 'cornerstone' of collective defence, the EU this recognised its wish to equip itself with a self-sustaining external action capability supported by credible military assets.

The Helsinki European Council (December 1999) set the EU on the course towards achieving an overall objective known as the Helsinki Headline Goal, which was defined as follows: 'by the year 2003, cooperating together voluntarily, [the Member States] will be able to deploy rapidly and then sustain forces capable of the full range of Petersberg tasks. [...] These forces should be militarily self-sustaining with the necessary command, control and intelligence capabilities, logistics, other combat support services and additionally, as appropriate, air and naval elements.'

The subsequent European Councils progressively adopted a series of decisions designed to create military force generation mechanisms available to the EU, albeit based on voluntary commitments by each Member State, for which it was necessary to draw up a force catalogue. Likewise, civilian aspects of crisis management would be progressively incorporated into the ESDP, including ad hoc capabilities, and growing attention would be paid to conflict prevention.

The terrorist attacks against the United States on 11 September 2001 spurred a change of direction of the ESDP, as the EU decided that combating terrorism would be a priority goal more than ever and that as part of its response, it would determinedly speed up the implementation of the ESDP. This decision materialised at the Laeken European Council (December 2001), which adopted the Declaration on the Operational Capability of the ESDP, albeit recognising that there were significant shortfalls. In order to remedy them, it was decided at the summit meeting to start up the European Capabilities Action Plan (ECAP) based on setting up a number of groups of national experts specialised in each of the areas in which shortfalls had been detected.

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[11] Safeguard the common values, fundamental interests, independence and integrity of the Union in conformity with the principles of the United Nations Charter; strengthen the security of the Union in all ways; preserve peace and strengthen international security; promote international cooperation; develop and consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms.

The ECAP marked the start of an important line of work within the ESDP aimed at strengthening cooperation and seeking convergence between Member States in the field of military equipment. In March 2003 a new instrument, the Capability Development Mechanism (CDM), was established to monitor and assess the capability targets and commitments of the Member States.

In May 2004, the Council gave fresh impetus to the development of military capabilities by adopting what is known as the abovementioned 'Headline Goal 2010' (HLG 2010). This new approach relates to what is established in the European security strategy, one of its key elements being the Union's ability to deploy high readiness combinations of forces (Battle Groups) in response to a crisis, either as a self-sustaining force or as part of a more extensive operation. The Headline Goal 2010 gives priority to rapid response, as stated in the Helsinki Headline Goal.

Another two substantial aspects defined in this goal are the creation of command and control structures for leading operations and a quantitative improvement in military capabilities. With this aim in mind, as stated earlier, the European Defence Agency was established in June 2004 with major responsibilities in the development of defence capabilities, research and the acquisition of armaments. Since then it has made a very significant contribution to the work of the ECAP and has been heavily involved in shaping a technological and industrial base for European defence, in addition to providing prospective elements for guidance in long-term decision making.

Progress in the EU's attainment of military capabilities

The instrument, mentioned in previous paragraphs, chosen by the EU to equip itself with military capabilities is the Capability Development Mechanism (CDM). This mechanism envisages three phases or, what amounts to the same thing, the preparation of three catalogues:

- Requirements Catalogue: identifies the capabilities needed to fulfil the established goal.
- Force Catalogue: capabilities contributed by the Member States.
- A third catalogue is compiled from a comparison between them:
- Progress Catalogue: identified shortfalls.

As they worked on the related catalogues, the European Councils progressively adopted decisions to incorporate civilian aspects of crisis management into the ESDP, making fighting terrorism a priority objective for the EU following the 11 September attacks.

As a continuation of the CDM, which ended with the HLG 2003, in June 2004 the Council adopted the abovementioned Headline Goal 2010. This

goal continued with that of Helsinki, with the aim of translating the political objectives reflected in the recently approved ESS into strategic and operational military objectives. The new Headline Goal was more qualitative than quantitative (interoperability, deployment capability and sustainability), but its mechanics were the same: comparing needs with contributions to identify shortfalls, which it must then be attempted to solve.

And so we come to the creation of the EDA in 2004 for the purpose of assisting the Council and Member States in their effort to improve the EU's defence capabilities, facilitating and to an extent harmonising their development. The agency is intended above all to influence national capability development plans; to promote development in cooperation with the capabilities identified as necessary; and to attempt to optimise both the European industry and European defence market.[12]

The EU went one step further in all this methodology in 2006 and the Steering Committee of the EDA adopted the 'Capability Development Plan' (CDP) which, elaborating on the previous work, is aimed at influencing national capability development plans to ensure that the Member States develop the capabilities the EU needs for its military operations.

Following the methodology of the Capability Development Plan – which takes into account not only the current shortfalls derived from the level of ambition and the most likely scenarios of action but also the lessons learned from operations and an exercise in prospective analysis to determine future needs – the EU has identified ten priority actions designed to remedy the shortfalls:

- C-IED.
- Medical support for operations.
- Intelligence, Surveillance and Reconnaissance (ISR).
- Increased availability of helicopters.
- Cyberdefence.
- Multinational logistic support (MNLS).
- CDSP information exchange.
- Strategic and tactical airlift management.
- Fuel and energy.
- Mobility assurance.

An overview of the Headline Goal 2010

The adoption of the Headline Goal 2010 gave major backing to the credibility and implementation of the EU's effort to achieve military capabilities. The document recognises that it is a reflection of the European

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[12] Some forums speak of the EDA as the germ of a European defence ministry, though such a statement maybe a little premature.

security strategy, the evolution of the strategic environment, technology and the lessons learned in EU-led operations. In consonance with this, it broadens the Petersberg tasks with the addition of missions envisaged in the ESS and acknowledges the importance of a preventive approach and the possibility of concurrent interventions.

The effort is directed at achieving interoperability, deployment capability and sustainability, which will allow the European armed forces to collaborate with each other and with other organisations, interact with other civilian instruments, be capable of transporting material and personnel to the theatre of operations and, lastly, lend each other logistic support following deployment.

A key element in crisis management is the availability of high readiness forces. These forces, the so-called Battle Groups or tactical groups, are designed as a battalion-size combination of forces with different weapons with combat support and combat logistic support, backed by the related naval and air capabilities and, if necessary, by reserve forces. The decision making and planning procedure envisages that the EU should be capable of adopting a decision to begin an operation within five days after the Council approves the concept of crisis management and that the forces should begin conducting their mission on the ground within ten days from the EU's decision to launch the operation.

This rapid response capability must include a transport capability that guarantees the established periods; therefore, another partial objective is the joint coordination of the EU's strategic transport, paying special attention to airlift capabilities.

An essential element of the Headline Goal 2010 is the European Defence Agency. It will play a significant role in allowing the Member States to harmonise their respective equipment and development programme needs for 2010, seeking to satisfy them in a convergent manner.

Military programmes of the EU

The many strategic changes witnessed in recent years were calling for the EU to decide what to do with the Common Security and Defence Policy, and important decisions were therefore made at the last Council meeting in December 2013.

One of these decisions was to speed up processes in matters relating to policy, capabilities and industry, in this order and in a balanced manner.

As for capabilities, certain movements have been detected in order to broaden and deepen some collaboration experiences within the EU, pooling and sharing national resources to achieve savings and economies of scale, such as those obtained with the European Air Transport Command

(EATC), which Spain has joined. The priorities established in this connection, with the backing of the EDA, are the development of non-existent capabilities such as air-to-air refuelling (AAR), unmanned aerial vehicles (UAV-RPAS), communications satellites and cyberdefence, always bearing in mind that the capabilities belong to the Member States and are under their control.

Let us now survey the most important programmes underway within the EU.

Cyberdefence

Following the publication of the EU's cybersecurity strategy,[13] a proposed directive was drafted on measures for guaranteeing a high common level of network and information security in the Union (February 2013) and has yet to be approved by the twenty-eight Member States and the European Parliament. Although it has not yet been signed and published, it is interesting to stress some important points.

It makes it compulsory for Member States to establish a minimum level of national capabilities to guarantee network and information security vis-à-vis the increase in cyberattacks and cybercrime.

The Member States should designate competent authorities in charge of network and information system security to create computer emergency response teams (CERTs) and equip themselves with national strategies and cooperation plans that establish responsibilities and procedures for maintaining or restoring the operational capacity of networks and information systems.

A European cooperation network will be established to allow Member States to carry out coordinated and secure exchange of information on risks and to detect and respond to attacks if necessary. Early warnings of risks or incidents will be circulated through the above network when the latter increase rapidly, exceed or may exceed the national response capability or affect or may affect more than one Member State.

The Member States must also guarantee a coordinated response to incidents, regularly publish declassified information on these warnings and cooperate and exchange information with significant organisations such as the European Cybercrime Centre. Regular assessments of capabilities and level of preparedness are likewise proposed.

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[13] European Council Conclusions, EUCO 217/13, 'Developing a roadmap and concrete projects focused on training and exercises, improving civil/military cooperation on the basis of the EU Cybersecurity Strategy as well as the protection of assets in EU missions and operations'.

Another of the most novel proposals of the directive is to make it compulsory for companies in key sectors such as energy, transport and health, as well as banks and stock exchanges, platforms for electronic commerce, social networks and cloud computing services, among others, and public administrations to assess the risks of cyberattacks or interruption of networks and adopt appropriate and proportional measures for guaranteeing their security with technical and operational means, especially to prevent and minimise the impact of incidents. It should be pointed out in this connection that it is only compulsory for telecommunications companies to adopt risk management measures and inform the public authorities of security incidents.

It will be compulsory for companies in key sectors and public administrations to inform the national authorities responsible for network security of any serious incident that threatens the security of their networks and information systems or has a significant impact on core services and the provision of goods. Micro enterprises are exempt in order to avoid placing a disproportionate burden on smaller operators.

The directive proposes that national authorities responsible for network security be empowered to investigate cases of non-compliance with these obligations by public administrations or operators and envisages effective, proportionate and deterrent penalties.

Unmanned aerial vehicles

Spain, together with six other countries (Poland, the Netherlands, Greece, Italy, France and Germany), has an agreement on cooperation and shared handling of information on UAVs.[14] The aim is to establish a European community regarding the use of these aerial vehicles in the coming years, so that countries that already have them or those that are going to adapt them in the future can share synergies on knowledge and experience acquired through the use of UAVs. This programme has been promoted by the EDA, which hopes to work in a common context of UAVs with medium-altitude long endurance UAVs.

Furthermore, the EU seeks to reinforce the implementation of a common initiative on UAVs in 2016 related to a programme for integrating unman-

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[14]   European Council Conclusions, EUCO 217/13, p. 5: 'the development of Remotely Piloted Aircraft Systems (RPAS) in the 2020–2025 timeframe: preparations for a programme of a next-generation European Medium Altitude Long Endurance RPAS; the establishment of an RPAS user community among the participating Member States owning and operating these RPAS; close synergies with the European Commission on regulation (for an initial RPAS integration into the European Aviation System by 2016); appropriate funding from 2014 for R&D.'

ned aerial vehicles into European airspace, in which Spain will take part with two research programmes led by Indra and Isdefe.

Communications satellites

The deployment of communications satellites under the EU flag faces technical and political difficulties – technical, owing to the location of a geostationary position, and political, as the EU must be accepted as a member of the International Telecommunications Union.[15]

The possibility of producing this capability in a consortium where the contribution of technology and reservation of geostationary orbital position seems to be the most feasible option[16] was the case of the HisNorSat project, which appears to be 'frozen' temporarily by Spain's inability to meet the financial commitments this would involve. A recent development is that Spain has volunteered to lead an initial study on communications satellites at the EDA.

Air-to-air refuelling

The EDA[17] has begun its first tests using an Italian KC767 tanker aircraft to facilitate joint AAR operations between Union members. These trials, with which it is hoped to obtain the relevant technical and operational authorisations, are aimed at achieving the capabilities needed to avoid having to request assistance from the United States when necessary owing to increased air-to-air refuelling requirements of European military aircraft and can be considered an important lesson learned from the recent campaigns in Libya and Mali.

The European countries currently own 42 tanker aircraft of twelve different kinds, more than 40% of which lack the necessary permits and authorisations.

For the EDA, which works with Italy and the MCCE,[18] air-to-air refuelling is one of the eleven priorities that its members should pool and share.

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[15]　European Council Conclusions, EUCO 217/13: 'preparations for the next generation of Governmental Satellite Communication through close cooperation between the Member States, the Commission and the European Space Agency; a users' group should be set up in 20143.'

[16]　Such was the case of the HISNORSAT project, which seems to be at a temporary standstill owing to inability to meet the financial commitments it would entail.

[17]　European Council Conclusions, EUCO 217/13, p. 6: 'progress towards increasing overall capacity and reducing fragmentation, especially as regards the establishment of a Multi-Role Tanker Transport capacity, with synergies in the field of certification, qualification, in-service support and training.'

[18]　Movement Coordination Centre Europe, an organisation of twenty-five countries aimed at facilitating large-scale transportation in military operations.

In March 2012 the EU defence ministers assigned the EDA four lines of work in this connection: address short-term shortfalls, optimise existing resources, improve AAR capabilities of the future fleet of A400M aircraft and boost Europe's tanker aircraft capability by creating a multi-role tanker transport capacity (MRTT).

With respect to the multinational development of a new MRTT, the idea is to start delivering the first aircraft to the European countries in 2020. The project is led by the Netherlands with the involvement of eight other EU Member States (Belgium, Greece, Poland, Luxembourg, Portugal, Hungary and Spain) plus Norway which, although not an EU country, cooperates actively in other EDA projects.[19]

In November 2012 the countries committed to this initiative signed a letter of intent for the joint procurement of tanker aircraft, either through acquisition or lease.

Other capabilities

Planning and guidance

Neither the EU capabilities development process nor the European Council of December 2013 addressed one of the main shortfalls in the EU's capabilities: the lack of a permanent structure to carry out the planning – including prudent planning – and strategic guidance of operations.

If this shortfall is not on the agendas of talks, it is because of the reluctance of the more Eurosceptic Member States – especially the United Kingdom – to tackle this problem. This is despite the insistence of other Member States traditionally more committed to the CSDP, which should have more influence on the agenda owing to their specific weight and presence in EU-led operations: the group of Member States known as 'Weimar+', Germany, Spain, France, Italy and Poland.

When the EU decides to launch an operation, it has three options for establishing its command and control structure: make use of NATO command and control assets under the 'Berlin+' arrangements; activate one of the five 'dormant' OHQs other Member States (Germany, France, Greece, Italy and the United Kingdom) make available to the EU; or activate the also 'dormant' OPSCEN that is located physically and structurally in the European Union Military Staff (EUMS).

The first of the options, use of the NATO Command Structure, is undoubtedly the most effective from a military point of view, as it is a permanent,

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[19]   In June 2014, Spain ceased to be merely an observer in this programme (see the point about OCCAR in the section 'An overview of the reality' in this chapter).

cohesive and trained structure. However, it is difficult to make use of it for political reasons, or at least it will be until the dispute between Turkey, a NATO member, and Cyprus, an EU Member State, is settled. In any event, resorting to this option raises doubts about the EU's autonomy and freedom of manoeuvre.

The other two options, which are politically acceptable, are not very efficient from a military point of view, especially with respect to advance and strategic planning, as they are poorly staffed (for example OPSCEN has a permanent staff of four) and, once activated, incorporate officers from very different origins and normally with scant knowledge of the procedures and peculiarities of the CSDP. The few activation exercises (at most one per year) carried out at any of the operational headquarters (OHQs) usually serve little more than to highlight this shortfall.

The existence of a permanent planning and guidance capability for operations, preferably civil-military in consonance with the EU's Comprehensive Approach, is a pressing need if the EU is to have sufficient flexibility as to provide an appropriate response to the crises that emerge in its strategic environment. Indeed, under Spanish command, the OPSCEN is acting in the Horn of Africa to coordinate operation Atalanta and the EUTM Somalia and EUCAP Nestor missions.

Maritime security

Europe's maritime interests are closely linked to the wellbeing, prosperity and security of its citizens and communities. Approximately 90% of the EU's foreign trade and 40% of its domestic trade is transported by sea. The EU is the third largest importer and the fifth largest producer in the world in the field of fisheries and aquaculture. More than four hundred million travellers pass through the EU's ports every year. We rely on seas and oceans being open and secure for free trade, transport, tourism, ecological diversity and economic development. To cease to protect them against a whole host of maritime threats and risks could lead to seas and oceans becoming scenes of international conflicts, terrorism or organised crime.

In this context, the EU is under pressure to act with greater determination and speed, even though it has fewer resources, through greater cooperation between the different sectors and national authorities. Given that the internal and external dimensions of maritime security are increasingly interconnected, it is necessary for all the parties involved to share the same efforts and objectives for achieving coherent national and sectorial policies and to allow civil and military authorities to react together effectively. The EU's naval force in Somalia (Eunavfor) – operation Atalanta, combined with major cooperation assistance from the EU – has proved the efficiency of a joint approach.

In December 2013, the European Council underlined the importance of protecting the EU's strategic maritime security interests from a series of risks and threats. As for specific objectives, the EU's Limassol Declaration of 2012 stressed 'the importance of improved marine governance including increased cooperation'.

An overview of the current situation

So far we have attempted to provide a theoretic overview of the state of affairs of the EU's acquisition of military capabilities resulting from its political ambition to become a global actor in building world peace and security, by combining a historical or chronological account with a more comprehensive account that analyses options and implications. The time has now come to address the real status of this acquisition of capabilities, which we will examine from three angles: collaboration with NATO, the role of the different agencies and military programmes, and lastly, reflections on the challenges the EU has taken on in this field.

Relations with NATO

In December 2002, NATO and the EU established a strategic partnership and reached an important agreement on crisis management through the so-called NATO-EU Declaration on the Common Security and Defence Policy. As a result of this declaration, the 'Berlin Plus' agreements were signed by the two organisations establishing models for cooperation between them. NATO remains the cornerstone of its members' collective defence, while the EU, through its CSDP, enhances its ability to carry out crisis management operations.

As a result of these agreements, the EU has the possibility of using NATO's planning assets and its capabilities to conduct crisis management operations in certain scenarios in which NATO is not directly engaged. More specifically, in the area of military capabilities, it was agreed to work jointly on a plan for developing military capabilities based on identifying common requirements.

This agreement gave rise to the first contacts between representatives of both organisations with the aim of creating a NATO-EU capability working group to analyse in a coherent and complementary manner the development of the military capabilities common to both, with the basic aim of avoiding duplication.

The group is composed of the national representatives of both organisations and those which, although belonging to only one, have signed bilateral security agreements with the other.

Although the level of representation is not fixed, on behalf of NATO it is made up of representatives of the Executive Working Group (NATO-EWG), of the Conference of National Armaments Directors (NATO-CNAD) and of the International Staff (NATO-IS). The EU is represented by members of the Military Committee and the EDA.

It is important to mention that, as in the force planning process in which each organisation has its own procedures even through the objectives are similar; a very high level of transparency has been achieved. The same cannot be said for the development of military capabilities, as the work of this group has yet to yield more concrete results, though the inevitable need to share resources owing to budget restrictions stemming from the economic crisis has spurred the Pooling & Sharing (EU) and Smart-Defence (NATO) initiatives, which will need to converge in coming years to prevent duplication of efforts.

The Treaty of Lisbon and Permanent Structured Cooperation

The entry into force of the Lisbon Treaty in December 2009 was aimed at improving the integration of the Member States – the aspect of the development of policies conducive to common security – attempting to give fresh impetus to laying the foundations of a European defence. One of the most significant novelties is the possibility that some Member States may participate more actively through the creation of permanent structured cooperation as laid down in article 42.6 of the Treaty on European Union (TEU).

According to protocol no. 10 annexed to the treaty, Member States interested in this type of cooperation must meet the following two conditions, which are considered essential:

- Intensively develop defence capacities through their participation in multinational forces, in the main European equipment programmes, and in the activities of the Agency in the field of defence capabilities development, research, acquisition and armaments.
- by 2010 supply combat units and support logistics within a period of five to 30 days and, depending on needs, for a period of 30 to 120 days.

The procedure to be followed by Member States wishing to established permanent structured cooperation starts by notifying the Council and the High Representative of the Union for Foreign Affairs and Security Policy. After studying the proposal, the Council adopts a decision establishing permanent structured cooperation and the list of participating Member States. If a Member State subsequently wishes to participate or withdraw, the Council shall act by qualified majority. All decisions and

recommendations made in relation to this cooperation must be adopted unanimously by the participating members of the Council.

In actual fact, this possibility provided for in the TEU has so far only been a declaration of intent. Indeed, in view of the opposition of some Member States, it is unlikely that this new model of cooperation will be developed in the near future.

The EDA: responsible for the development of military capabilities in the EU

The Thessaloniki European Council of June 2003 decided to set up an intergovernmental agency for the development of military capabilities.

After the preliminary work of the Agency Establishment Team (AET) was complete, in July 2004 the European Council approved the joint action on the establishment of the European Defence Agency (EDA). Its chief purpose is to support Member States and the Council in improving and developing military capabilities in the field of crisis management, and it is therefore responsible to the Council. All twenty-eight EU countries except Denmark – which, as is known, does not take part in defence matters – belong to the agency.

The EDA is therefore chiefly responsible for drawing up the Capability Development Plan in the field of the CSDP. But the EDA does not establish its own capability development plan; rather, it is the Member States through their General Staffs and in consonance with the EU Military Committee that identify the existing shortfalls, the capabilities they wish to develop, and which ones are going to be a priority. On the basis of these guidelines, the EDA draws up the CDP, which is implemented through the cross-cutting work of the agency's various directorates that are active in the areas of Industry and Market, Research and Technology, and Cooperation in Armaments. The difference between the work performed by the EDA and previous attempts thus lies in the fact that the agency's tasks are carried out through a comprehensive approach.

The CDP is not at a higher level than the national plans; rather, it is a tool for enabling Member States to adapt their plans and programmes to the guidelines laid down by the General Staffs jointly in the EU, adapting needs to available resources and giving priority to military capabilities considered of greatest importance and urgency vis-à-vis the existing threats. It is established in the short, medium and long term and structured into four strands.

Strand A, perhaps the most important, is that in which the EU must define the global threat environment – that is, what capabilities the EU needs

to implement the mandate of the European Council, developing military capabilities in the field of crisis management.

Responsibility for this first Strand fall chiefly to the EU Military Committee, which, having identified the capabilities needed to conduct operations (Requirements Catalogue), analyses the forces and capabilities that the Member States are willing to make available to the EU (Force Catalogue).

On the basis of the information supplied by these catalogues, the related shortfalls and operational risks are then analysed. The result of this process is the compilation of an initial list of short-term shortfalls, which are prioritised.

The EDA is responsible for drawing up Strand B, which lists the long-term needs in the framework of CSDP missions. This list of necessary capabilities, with 2030 as the established timeframe, has been drawn up by working groups made up of national representatives and representatives of the EU Military Committee. The EMAD and DGAM have taken part on behalf of Spain.

Strand C, for which the EDA is also chiefly responsible, analyses and studies the plans and programmes that the Member States are willing to develop. These are in fact opportunities for cooperation in armaments through a database of programmes managed by the EDA's Armaments Directorate. Lastly, Strand D is led by the EU Military Committee and analyses the operations conducted within the EU and extracts the lessons learned from these missions.

The coordination and development of the work performed under these Strands is carried out and assessed by the EDA's CDP-Team.

OCCAR: Organisation for Joint Armament Cooperation

Since 2005 – a year after the establishment of the EDA – both organisations, EDA and OCCAR, have worked jointly towards achieving possible collaboration models to foster cooperation in the field of armaments through participation in certain projects and programmes.

The Organisation for Joint Armament Cooperation, OCCAR, stems from the Franco-German agreement of 1993 whereby both countries decided to establish close cooperation in armaments. A consequence of this first agreement was the subsequent Baden-Baden agreements of 1995, which defined the technical aspects that should govern the programmes, standardisation of requirements, renunciation of industrial returns, working methods, etc. Subsequently, in 1996, an administrative agreement was signed by France, Germany, Italy and the United Kingdom, becoming a treaty in 2001, and the new armaments agency was established in

Bonn (Germany). Belgium and Spain joined the agency in 2003 and 2005 respectively.

As stated above, through Strand C, the EDA is responsible for studying and developing the armaments programmes that the Member States are willing to develop. The agency's armaments directorate is therefore responsible for the procurement process of a collaborative programme. For this purpose, once the possible opportunities for cooperation have been identified, a project team (PT) is set up at the EDA made up of national representatives and representatives of the EU Military Staff and the agency. It develops the basic capability need based on a concept or doctrine developed by the Military Staff or by NATO. This process entails the drawing up of the Common Staff Target (CST).

The next step consists in identifying possible solutions to the desired capabilities and the technological requirements and industrial developments needed to develop this capability: that is, the Common Staff Requirement (CSR).

Lastly, work is carried out on a document called Business Case (BC), which is in fact a feasibility plan that includes technical and funding aspects needed to develop the programme in collaboration.

The purpose of the CST, CSR and BC is to provide participating Member States with a comprehensive vision of their involvement in the programme, as ultimately it is they who will decide whether to acquire or develop a particular capability. The preparatory stage of the programme ends when the nations decide to launch an ad hoc programme in the field of the EDA and the decision is approved by its Steering Board.

The proposal that OCCAR should be the European-level centre of excellence for the management of collaborative programmes stemmed from France's initiative when it was holding the rotating EU Presidency in the second half of 2008. The members of OCCAR – the United Kingdom, France, Germany, Italy, Belgium and Spain – backed the proposal, together with the majority of Member States, though others wished to leave open the possibility of another agency being responsible for this. All the Member States subsequently agreed that OCCAR was the only agency in Europe capable of carrying out this task.

This model for collaboration between both agencies is based on the fundamental principle that whereas the EDA manages the military defence capabilities and studies possible armaments programmes, the OCCAR would act as a centre of excellence for the management and development of those programmes once they have been approved and once the countries interested in participating have made the relevant decisions.

As a fundamental part of the development of the armaments strategy, the Member States have agreed on a procedure whereby the responsibilities

of both agencies are established in the management of a programme that pays special attention to the life-cycle management model: Through Life Management (TLM).

Air-to-air refuelling

The OCCAR is studying the options for acquiring MRTT (Multi-role tanker transport) and will release its recommendations at the end of 2014.

The programme is comprised of Spain, Norway, Poland and also the Netherlands, which leads it. Procurement would be carried out through the OCCAR, of which the Netherlands and Norway are not members. Therefore, these countries proposed that the NATO Support Agency (NSPA) act as contracting authority, and that the MRTT formally become NATO property. Spain was opposed to this change of procedure and, despite many negotiations; an agreement has not been reached on which agency to use.

In view of the problems that arose in relation to the management of the programme, in the framework of its Steering Group on 10 June 2014, Spain formally applied for observer status with respect to the programme, maintaining the spirit of cooperation with the rest of the Member States and seeking other future cooperation opportunities in the areas of sustainment and operations.

Knowledge of the maritime situation, surveillance and information exchange

Access to precise and timely information is essential in order to have an overall view of the maritime environment. This, in turn, results in operations of higher quality and more effective use of scant resources. Progress has already been made thanks to a series of EU systems addressing several areas of action and, in some cases, more than one sector.

These systems include SafeSeaNet, a Union system for information and control of maritime traffic managed by the EMSA in order to guarantee compliance with EU legislation; the common emergency communication and information system (CECIS), which allows communication during incidents and disasters at sea and is managed by the Directorate General for Humanitarian Aid (ECHO); the vessel monitoring system managed by the European Fisheries Control Agency and the Member States, which supports the common fisheries policy; the maritime surveillance network (MARSUR), managed by the EDA, which supports the Common Foreign and Security Policy; and the European border surveillance system (Eurosur), which improves knowledge of the environment and the reaction capacity of the Member States and the EU border agency (Frontex) at the external borders. In addition, the common information sharing environ-

ment (CISE) in the EU's maritime sector, which is being developed jointly by the EU and the Member States of the EU/EEE, will continue to improve and create a framework for interoperability between the national systems and the EU, using a common data model in particular.

Maritime surveillance is still largely organised on a sectorial and national basis. This can lead to insufficient use of the available surveillance capabilities. The authorities of EU Member States use systems and approaches that are both sectorial and European-wide. Exemplary solutions have been devised in the framework of Eurosur to improve civil-military coordination on a national and European scale. Civil and military authorities are required to share information on incidents and patrols (through the national centres for the coordination of border surveillance) and intelligence (through images of the national situation) and coordinate their activities in response to threats at the external borders.

In consonance with the objectives of the EU's maritime security strategy, which was adopted this summer, the European Earth observation programme Copernicus is already developing a global approach for a more coordinated use of spatial systems and remote sensing technologies and their applications for inter-sectorial maritime surveillance services. Aerial- and space-based surveillance technologies make it possible to observe areas to which access is difficult, and contribute to improving the detection and monitoring of small vessels used for drug trafficking, smuggling, piracy and migration.

Since 2013, Frontex, the EMSA and the EU Satellite Centre (EUSC) have been setting up a service for the combined implementation of surveillance instruments, including vessel notifications systems, satellite images and manned surveillance aircraft. The Earth observation components of this service will be supported by the Copernicus programme from 2014.

Knowledge of the maritime situation, surveillance and exchange of information must be underpinned by research and innovation activities in order to improve and reinforce their efficiency.

Pooling & Sharing (P&S) initiative

This joint initiative of Germany and Sweden originates from an informal meeting of defence ministers held in Ghent (Belgium) in 2010. It is a working document that is supported by the Belgian Presidency of the Council and aimed at maintaining the military capabilities of Member States and promoting and developing capabilities agreed on in cooperation, in order to achieve greater effectiveness, sustainability, interoperability and efficiency in expenditure.

The financial crisis that all the European nations are experiencing and the impact it has had on the defence budgets of all the Member States makes it unfeasible to undertake new projects alone; therefore the P&S concept has been very well received at the European level and all the defence ministers support the P&S initiative.

At the national level, the process of developing military capabilities consists of three main phases. It is first necessary to define the military capabilities to be preserved, normally those which affect national security and defence interests, and not compete with other Member States. Secondly, it must be decided in what other capabilities the EU wishes to achieve a particular degree of cooperation: those which each nation would contribute to a common pool (pooling). Finally, the capabilities the nations are willing to share and develop more extensively (sharing) with other Member States are studied.

The concept of Pooling & Sharing is very broad in scope and can cover areas ranging from identification and standardisation of military requirements to requirements of support and management of an arms system throughout its life cycle.

The ultimate objective is to support the Member States in their efforts to develop their military capabilities in cooperation and it is underpinned by fundamental principles such as highest level political commitment, cost-effectiveness, flexibility, ensuring concepts necessary to the armed forces (such as security of supply and exchange of information) and complementarity with NATO's Smart Defence initiative.

Since its inception, the EDA has been developing this concept of cooperation in armaments matters to an extent; accordingly, since this initiative was launched, it has played the main role in coordinating the P&S working groups begun by the European Union Military Committee (EUMC). Indeed, in 2011 the defence ministers commissioned the EDA, EUMC and other European institutions to develop the model and put together P&S proposals.

Finally, in November 2012, the EDA Steering Board in defence minister format approved eleven capability areas that could be developed in cooperation. As well as identifying these areas, it acknowledged the need for all Member States to cooperate in developing P&S in a more systematic manner. For this purpose a P&S Code of Conduct was approved in which all the nations voluntarily committed to developing a series of actions aimed at cooperating in the development of military capabilities. So far only six nations, among them Spain, have adhered to this document.

An example of cooperation is the European Air Transport Command (EATC). In 1999 France and Germany had set in motion a politico-military initiative to establish a European transport command. The conclusions

of the meeting of the Helsinki European Council that year mentioned the wish expressed by several countries to develop collective instruments in the area of strategic transport which, voluntarily, allowed national and international efforts to be better coordinated in performing Petersberg tasks.

A subsequent study conducted by the European Air Group (EAG) in 2000 came to the same conclusion: that it would be beneficial to coordinate the EAG countries' airlift assets and capabilities in order to explore possible synergies. This study recommended establishing a permanent element for coordinating nations' air transport needs in order to progressively transfer competences from the national structures to this element. This European Airlift Coordination Cell (EACC) was established in June 2001 and has progressively grown into the European Air Transport Command (EATC).

The EATC came into service on 1 September 2010 at the Eindhoven airbase (Netherlands). The creation of this command has marked a significant step forward in the manner of sharing military assets and it is a landmark achievement in the level of cooperation in European defence as the most visible and successful example of the EU's concept of Pooling & Sharing.

This collaboration initially involved four countries (France, Germany, Belgium and the Netherlands, joined by Luxembourg on 22 November 2012), which placed most of their airlift and air-to-air refuelling as well as aeromedical evacuation assets under the operational control (OPCON) of the EATC. In addition, the EATC is also responsible for the level of training of air crews, coordinating the objectives of the exercises that are programmed and standardising national air transport procedures of the participating nations. The countries began their collaboration under a technical agreement, which is due to be replaced by a treaty that provides a lasting legal framework for conducting operations.

Eindhoven currently plans missions and controls nearly 150 transport aircraft that perform missions all over the world; the EATC is responsible for establishing the most appropriate asset for the requested mission using a method of balancing flying hours between nations. The ultimate aim of this initiative is to manage the scant airlift assets made available by the participating countries as effectively and efficiently as possible so that all needs are met by the available assets. For example, the French Serval operation currently under way in Mali is being supported by airlift missions performed by aircraft from any of the countries and planned at the EATC.

The success of this initiative is proving so great that several European countries also plan to join the EATC: Spain will join in July 2014 as the sixth member and is currently negotiating an initial contribution of thirty or so military and some twenty-eight aircraft, which could be increased to

43 around 2023; Italy has also begun the accession process and expects to join as soon as possible, whereas others (the United Kingdom and Poland) are studying this possibility.

The EATC reckons that by 2020, with the envisaged new contributions, it will have an available fleet of some 233 tactical aircraft (including a hundred A400M) and 39 strategic aircraft such as the A-310, the A-340 and the C-17. However, it is already beginning to consider the need to restrict access to further nations so that the pace of growth does not hamper the level of efficiency achieved.

This initiative marks the establishment of a new model for the management of military transport aircraft and a better use of these ever scant assets.

The immediate future

Capabilities Development Plan

With respect to this plan, the EDA's work programme for 2014 lays down the following actions to be carried out:

- Complete work on the revision of the CDP, scheduled for this year, with the involvement of the participating Member States, the EU Military Committee, the EU Military Staff and the Crisis Management and Planning Directorate (CMPD).
- On the basis of the revised CDP, support discussions on which revised priorities can be agreed.
- Support the development of roadmaps for developing the chosen priorities, through concrete activities.
- Provide support to the capability development in progress in the Council and the European External Action Service.
- Continue dialogue and exchange of information with NATO in order to ensure complementarity and avoid duplication of processes.
- Promote activities aimed at informing and training national planners so that the revised CDP is fully incorporated into planning.
- Lead discussions on work to be performed following the revision and map out a way forward to be submitted to the steering board in spring 2014 (ministerial, 15 April 2014).

The agency plans to present the IT Tool software (currently being developed by ISDEFE, and not yet completed) to make the CDP search engine easier to use.

Therefore, the results of this revision process should be known at the steering board meeting of capabilities directors on 08/10/14, or at the mi-

nisterial steering board meeting on 25/11/14, and could be made official through a formal approval or (as in the 2011 update) a simple annotation.

Pioneering projects of the EDA

The EDA is going to report on the progress made with respect to the pioneering projects of the December European Council: Air-to-air refuelling (AAR), Remote Piloted Aircraft Systems (RPAS), satellites and cyberdefence.

- *AAR:* The European Council has espoused the development of this capability (progress towards an increased capability by reducing fragmentation, especially in relation to the creation of Multi Role Tanker Transport (MRTT)), and synergies in the areas of certification, qualification, support and training, and the EDA has organised the Multinational Executive Board, where the OCCAR and NSPA reported on the procurement strategy and the legal framework to be developed.
- *RPAS:* It has also welcomed the impetus given to this capability in the 2020–25 timeframe: preparations for a programme to develop the next generation of MALE, creation of a community of users, development of synergies with the Commission in order to incorporate them into the European aviation system in 2016, and funding for research and technology from 2014.
- *Satellites:* A user group is due to be set up this year, taking into account the preparations for the next generation of government satellite communications, in close cooperation between states, the Commission and the European Space Agency. For its part the agency, which has already created the MALE community, held an initial meeting on 21/01/14 to address the preparation of terms of reference and a second meeting on 13 March 2014 to discuss the drafting of the Common Staff Requirement. It is studying how to develop the exchange of information on operational experience, training facilities and cooperation opportunities.
- *Cyberdefence.* The European Council is calling for a political framework for the cyberdefence of the EU on the basis of a proposal from the High Representative in cooperation with the Commission and the EDA. For the time being the agency has not begun to prepare the political framework for cyberdefence that is mentioned in the conclusions, though it is expected to organise events in this field in the coming months.

Maritime capacity building

The European Council

The December 2013 conclusions call for drawing up this strategy on the basis of a joint communication from the High Representative and the

Commission, taking into account the opinions of the Member States. They also advocate developing subsequent action plans to address maritime challenges.

In order to be able to carry out an appropriate assessment of the activity being performed by the EDA in the maritime field, we will outline maritime initiatives belonging to the guide for national participation in the agency for 2014.

The Finnish-led MARSUR (Maritime Surveillance Networking) project, in which Spain plays an active part, is aimed at developing a technical interface to improve cooperation and exchange of information in the field of maritime security. The agency is also promoting other technical projects such as Maritime Mine Counter Measures, future naval systems and unmanned naval systems.

As for cross-cutting matters, there is simply an ad-hoc working group on maritime capabilities entrusted, among other tasks, with 'assessing' the military implications of the development of the strategy.

New role for the EU Commission: dual programmes

The communication released by the European Commission at the end of July 2013 entitled 'Towards a more competitive and efficient defence and security sector' actually entailed an action plan which has guided the conclusions of Cluster 3 of the December 2013 European Council.

At the current stage of development of the CSDP, it falls to the Member States to determine the essential security interests and capabilities (military, industrial, technological...) needed to defend them. This reality nonetheless allows considerable room for manoeuvre for greater cooperation between the Member States and the Commission.

For the Commission, the economic crisis has underlined the impossibility of making the European Defence Market competitive solely on the basis – as has been the case in other sectorial markets – of legislative instruments for liberalising supply. The importance of harmonising and previously consolidating demand has been forgotten and the political considerations linked to national sovereignty in this market have been overlooked.

These circumstances have forced the Commission to reorient its strategy, proposing a new approach to civil-military cooperation that places its heterogeneous set of possible initiatives in a middle ground between civil (the established sphere of action of the Commission) and military (field of

responsibility of the Member States and, in any event, intergovernmental). This approach undoubtedly raises new possibilities for the future of the defence industry. Proof of this is the Horizon 2020 programme open to duel use programmes, which is by no means insignificant considering that it totals 70 billion euros.

The Commission aims to make an important qualitative leap forward, aspiring to play new roles in planning (capabilities, technologies...), procurement, ownership and operation of prototypes and systems. The Commission appears to wish to make the most of Member States' weak economies to take over certain competences in the following areas:

Increase in civil-military synergies and strengthening of innovation

The Commission intends to support the setting up of a pre-commercial procurement scheme for prototypes. The first candidates could be the detection of chemical, bacteriological, radiological and nuclear (CBRN) agents, Remote Piloted Aircraft Systems (RPAS) and software-defined radio technology.

In addition, it will exploit dual technologies in research and innovation. The communication proposes considering the possibility of implementing a preparatory action for identifying the development priorities needed to acquire capabilities critical to CDSP operations, seeking synergies with national R+D+I programmes (maritime security, European air traffic control infrastructure modernisation system (SESAR), cyberdefence, and global positioning, geographic information and encrypted mobile telecommunications systems).

Capability development

Emphasis will continue to be given to information systems shared by military and civil users and that of maritime surveillance.

The Commission intends to explore, together with the Member States, the establishment of a civil-military cooperation group in the areas of: detection technologies and methods to counter IEDs, MANPADS and other relevant threats such as CBRNE threats.

Finally, together with the EU's External Action Service, it will analyse the dual-use capabilities, civil and military, necessary for the Union's policies, and whether in some cases the best option might be ownership and direct operation as the EU's own asset.

Space and defence

Building on the proposal of a support programme for a European Space Surveillance and Tracking (SST) service to protect vital space infrastruc-

ture, the Commission is going to study how to ensure a high level of efficiency of the SST service in the long term.

Satellite communications

The Commission is going to act in order to overcome the fragmentation of demand for security SATCOM, exploring the possibilities of facilitating the deployment of government-owned telecommunications payloads on board satellites (including commercial). It will also consider how to contribute to the next generation of government-owned MILSATCOM capability at European level.

Building an EU satellite high-resolution capability

Together with the EEAS and EDA, the Commission will explore the possibility of developing new imaging capabilities to support CFSP and CSDP missions and operations.

Timeframe

At a meeting at the EDA on 30 January 2014, some countries gave clear signs of their position with respect to the capabilities required and how to acquire them: Germany is halfway through its planning and reorientation process (which began more than two years ago and has another two years to go). They are establishing priorities in accordance with the most likely scenarios for NATO/EU operations and aim to improve their operational capabilities to make them more efficient and robust. They are willing to study the possibility of pooling or sharing capabilities in Maritime Patrol Aircraft, Heavy Transport for Helicopters, Maritime Mine Counter Measures, Multi Role Combat Ship and Maritime Unmanned Systems and Ground Based Missile Defence, and do not envisage budget cuts in the next three or four years.

Poland plans to substantially increase its defence budget to enable it to carry out major investments in missiles, helicopters, Remote Piloted Aircraft Systems and maritime transport, considering the possibilities of outsourcing on a case by case basis and at the same time recognising that no country can act alone, and that a concerted effort is required in this field.

The United Kingdom carries out a strategic defence review every five years and has decentralised capabilities planning in its three forces, and therefore can sometimes display a reactive (instead of proactive) attitude to possible options for international cooperation. When they occur, it studies solutions on a case by case basis within NATO or the EU. It believes that confidence and transparency should be increased by backing

the collaborative database of the EDA.[20] It also regards capabilities such as Aircraft Carriers, Unmanned Aerial Vehicles, Maritime Patrol, Artillery Munition, Counter Rockets and Joint ISR as possible areas of cooperation, and expects to take drastic measures in the field of procurement, attempting to boost efficiency through cooperation with its allies. It expects to maintain the percentage of defence spending (2%) in the general budget.

Austria expects its defence budget to decrease and cannot span the full spectrum of capabilities. It must make important decisions over the next few years, for example on the Eurofighter.

The Netherlands believes that when it decides it truly wishes to study Pooling & Sharing with other countries, it will choose which ones it wants to cooperate with. Finally, Sweden looks after its special links with other Northern European countries when planning its capabilities.

Conclusions

European citizens – Western Europeans at least – are becoming increasingly conscious of the role played by the EU in their daily life, to the extent that it can be said that there is already an awareness of a common, albeit incipient, European (or Western European) citizenship. This perception is heightened or dulled depending on the person's professional sector or personal interest. It is also reflected in the military dimension of the EU, which is largely unknown to the average citizens, owing perhaps to the interest these issues arouse on the national level, especially in countries that are the longest standing members of the Union. According to the logic explained at the beginning of this chapter, for the EU military, insofar as the Union has a military dimension that is no means insignificant and is closely tied to both its foreign policy and wish to become a leading actor on the geostrategic stage, it ought to arouse great interest in the military world; however, reality seems to be a different matter (though, as is stated further on, this may be changing), an influential factor being the role NATO has played in the defence of Western Europe in the second half of the twentieth century and the twenty-first century so far, in an age in which the EU or the organisations that preceded it have had a significant role in the economy (from which the military dimension cannot escape). The fact that many military who have worked in its structure or taken part in the missions it has led regard NATO as the cornerstone of Europe's international military cooperation may have caused many to think that

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[20]   Collaborative Data Base (CoDaBa): The purpose of this database is to store information on each nation's armaments programmes, projects and initiatives in order to identify opportunities for multinational collaboration. The Deputy Directorate General for Plans and Programmes of the Directorate General for Armaments and Material (DGAM) is the national agency in charge of participating in its implementation.

having specific military capabilities in the EU is a redundancy that the EU cannot afford, especially in the current times of crisis.

As always, however, reality prevails, and as a very essential part of NATO's military power stems from the United States, Europe is finding itself forced to have its own policy independent of that of NATO, even though the military forces it is able to contribute are generally those it assigns to NATO.

But the increasing involvement of Member States' military forces in different conflicts and, more importantly, their growing participation in civilian missions that end up or are from the outset closely tied to military capabilities are providing deeper knowledge of this military dimension, as is masterfully analysed in other essays in this monograph. Nevertheless, the distinguishing feature of the EU's military dimension is not the use of military force but the possibility of acquiring military capabilities of its own in a manner as autonomous as possible in order to be able to meet the established goal of becoming a significant world actor. This is most likely due to two factors: the particular fact that the EU has many 'civil' state-like capabilities (police, judicial, business...) which NATO lacks and which make it perfectly suited to intervening in new conflicts in a vague and asymmetrical environment of threats from a comprehensive approach, as well as its long tradition as a chiefly economic organisation.

The future of the EU's military dimension lies in the hands of its citizens, but it is clear that its importance, particularly political, is now growing as a result of its success in certain conflicts, especially those in which NATO is perceived as a hostile 'power'. Nevertheless, this essay has attempted to show in a simple and summarised manner the importance that the industrial aspects of defence enjoy today; it is up to other studies to show readers the military and political role the EU plays on the world stage.

The European Union's Common foreign and security policy in the post-soviet space

Francisco José Ruiz González

Chapter four

Abstract

The role of the European Union in the post-Soviet space has been undermined by its lack of internal coherence, both in the limited coordination between the Commission and the Council and in the twenty-eight Member States' different perceptions of the region. What is more, no coordinated action has been devised with Russia in the shared neighbourhood; instead, a zero-sum game has forced these countries to choose between Brussels and Moscow – a dilemma that was conducive to the eruption of the Ukrainian crisis. The return to a politics of blocs in Europe is making it difficult to provide a common response to conflicts such as that of Syria, and poses serious risks in areas such as energy security.

Keywords

European Union, Russia, European Neighbourhood Policy, Eastern Partnership, Ukraine, energy, CFSP, CSDP, Syria.

Introduction

When embarking on a study on the EU's common foreign and security policy (CFSP) in its eastern neighbourhood, the first question that comes to mind in order to establish the conceptual framework of the analysis is to ascertain what we mean by Europe, for as Booth and Wheeler state:[1]

> *There is today much more to identifying 'Europe' than looking on a map: politics is more important than geography. How people choose to define Europe will have a significant impact on how they think both about security in Europe and Europe's relations with the outside world.*

Indeed, although Europe is a clear geographical concept, it varies considerably if other political, historical or social factors are used to define it.[2] In order to standardise criteria, Calduch proposes studying the EU's external action in five functional areas: demographic and social, economic, politico-diplomatic, security and defence, and cultural.[3]

It is the politico-diplomatic area that is most closely linked to the CFSP (without neglecting the importance of the economy, especially in the case of the EU), whereas that of security and defence corresponds to the Common Security and Defence Policy (CSDP) that is subordinate to the CFSP. Therefore, this chapter will concentrate on these two functional areas, taking an approach characteristic of studies on international security.

A broader vision of Europe from a security perspective would include the 54 Eurasian states belonging to the Organisation for Security and Cooperation in Europe (OSCE), the area from Lisbon to Vladivostok that spans both the EU and non-European geographical areas (95% of Turkey, Central Asia and the South Caucasus).

Turkey has been a member of NATO since 1952 and of the OSCE since 1972; it is an EU accession candidate and is involved in all the security problems of the Middle East (such as the Syrian war), making it necessarily one of the actors to be considered.[4]

Given their geographical remoteness and the relatively low level of involvement of the CFSP in that area, the five Central Asian republics will

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[1] V. Booth, K. and Wheeler, N.: 'Contending philosophies about security in Europe', in Mcinnes (ed.): Security and Strategy in the new Europe, London: Routledge, 1992, p. 5.

[2] V. Wallace, W.: The Transformation of Western Europe, London: Pinter Publishers Ltd., 1990, pp. 7–35.

[3] Calduch Cervera, R.: 'Introducción', in Calduch Cervera (coord.): Las fronteras exteriores de la UE, Monografía del CESEDEN 105, February 2008, 14. Retrieved from: <http://www.defensa.gob.es/ceseden/Galerias/destacados/publicaciones/monografias/ficheros/104_LAS_FRONTERAS_EXTERIORES_DE_LA_UNION_EUROPEA..pdf>. [Last accessed: 1 May 2014].

[4] On the role of Turkey in European security, see Gasparini, G. (ed.): 'Turkey and European Security', IAI-TESEV Report, February 2007. Retrieved from: <http://home.ku.edu.tr/~syilmaz/doc/09.pdf>. [Last accessed: 1 May 2014]

not be taken into consideration in this analysis except when referring to multinational cooperation initiatives in the post-Soviet space.

In the case of the South Caucasus, three former Soviet republics (Georgia, Azerbaijan and Armenia) are included in both the ENP and the EU's Eastern Partnership. They will therefore be an essential part of the study, together with the three other countries belonging to the partnership (Belarus, Ukraine and Moldova) and the regional hegemon, the Russian Federation.

As for structure, this chapter is divided into three parts:

- The first sums up the main geopolitical trends in the post-Soviet area, especially its dynamics of cooperation and confrontation, in order to clarify the nature of the reality the EU needs to address.
- The second carries out an in-depth study of the EU's CFSP and CSDP in these countries since the end of the Cold War, briefly examining areas of common interest such as the Middle East (Turkey and Syria).
- And before drawing conclusions, the third assesses in perspective the trends in the EU's interaction with the region and possible practical measures for optimising it in the framework of the current crisis in Ukraine.

A brief geopolitical overview of the post-soviet space

Generally speaking, the fifteen former Soviet republics can be grouped into four blocks. The first includes the Baltic States (Estonia, Latvia and Lithuania). Conquered by Russia during the eighteenth century, they regained their independence following the First World War. In 1940 they were invaded by the Soviet Union and remained part of it until 1991. They did not join the Commonwealth of Independent States (CIS) and became full members of both the EU and NATO in 2004.

The second is the Central Asian states. In 1991 independence came as a shock to these states, conquered by Russia in the second half of the nineteenth century, as they did not want the USSR to disappear. Although they all joined the CIS, they have adopted different foreign-policy models: isolationism in the case of Turkmenistan; integration into Russian initiatives in the cases of Kazakhstan, Kirghizstan and Tajikistan; and Uzbekistan pursues an erratic course determined by the decisions of its president, Islam Karimov.

The third bloc consists of the republics that share a border with the EU (Moldova, Ukraine and Belarus). They are the eastern Slavic nations (except for Moldova, which is ethnically Romanian) that were part of the Rus of Kiev during 884–1240, and were reincorporated into Russia in the seventeenth and eighteenth centuries, chiefly at the expense of the Polish

Lithuanians. It was precisely the leaders of Russia, Ukraine and Belarus who put an end to the USSR in 1991, without initially taking into account the remaining republics.

The last bloc is made up of the South Caucasian republics, conquered by the tsars in the first half of the nineteenth century and with a broad ethnic-religious diversity: Georgia, Caucasian and Christian (Georgian orthodox and apostolic church); Armenia, Indo-European and Christian (the Armenian apostolic church); and Azerbaijan, Altaic and Muslim (85% Shia and 15% Sunni). The Georgians belonged to the CIS from 1993 to 2009, whereas the Armenians and Azerbaijanis, irreconcilable enemies owing to the Nagorno-Karabakh conflict, have always been members.

The annex includes a table summing up the main geopolitical indicators of Russia and the six countries of the Eastern Partnership.

Border and legal disputes of a political nature

To start off with, it should be stressed that border changes have been so frequent in Central and Eastern Europe that no country can firmly state where its boundaries begin and end, a fact which allows for revisionist interpretations. All this is further exacerbated by the USSR's *addiction* to shifting its internal borders in order to sweep ethnic differences under the ideological carpet of communism.

As for the border between the EU and the countries of the region, in 1945 Poland (which extended its territory in the west, at the expense of Germany) was forced to surrender its eastern *Kresy* (borderlands, in Polish) to the USSR – a total of 135,000 km^2, which during the interwar period was populated by five million Ukrainians, three and a half million Poles, one and a half million Belarusians and 1.3 million Jews.

Although Lvov belonged to the region of Galitzia (the historic core of Poland), the allies eventually agreed to the Soviet proposal to move the 'Curzon Line' to include the city and its region in the USSR. This led to the deportation from Ukraine of some 750,000 Poles, unlike in Belarus and Lithuania, where the authorities retained them to prevent the countryside from becoming depopulated.

It was precisely the Ukrainian regions of the *Kresy* that led the revolts against former president Viktor Yanukovych, but Warsaw's evident backing of them is, to an extent, inexplicable from a historical viewpoint. The ultranationalist thinking of that region originates from its belonging to the Austro-Hungarian Empire from 1795 to 1918, the year of the formation of the 'National Republic of Western Ukraine', which was short-lived as it was conquered by the Poles in 1919.

Indeed, Stepan Bandera's Organisation of Ukrainian Nationalists, whose symbols were predominantly used in the Euromaidan, is held to be responsible for the assassination of 150,000 Poles in western Ukraine during the Nazi occupation. The ideology of the Freedom party is directed against Poland and Russia equally, as well as against other national minorities such as the Hungarians of Zakarpattia, the Romanians of north Bukovina, and the Ukrainian Jews who survived the Holocaust.

Further eastward, in 1991, it was decided that the international borders between Russia, Ukraine and Belarus should be consonant with the administrative borders of these three Soviet republics, in accordance with the legal principle of *uti possidetis juris.*[5] Initially this was not a problem, as it was envisaged that the CIS would have unified armed forces and the rouble as a common currency. However, when these plans failed[6] and each new independent state began to go it alone, the border issue resurfaced.

In the case of Belarus, its good relations with Moscow have avoided any conflict, but in that of Ukraine Kiev's control over Crimea was immediately questioned as in the past the peninsula had belonged to Russia from 1784 until 1954, the year the Soviet leader Nikita Khrushchev decided to make a gift of it to Ukraine to commemorate the 300th anniversary of the Treaty of Perieslav.

The Russian Duma therefore declared the transfer to be null and void on 21 May 1992 in a decision that Ukraine took before the UN Security Council. At its session on 20 July 1993, following a declaration by the Russian government whereby, dissociating itself from its Parliament, it recognised that the conflict should be settled through political dialogue and respect for international law, the Security Council reaffirmed Ukraine's right to its territorial integrity.

However, the parliament of Crimea had declared its independence on 5 May 1992, adopting a secessionist constitution that never came into force but was revived by Meshkov when he was elected president of the region in January 1994. That May independence was again proclaimed, but in 1995 the Ukrainian Rada permanently repealed the constitution of 1992 and granted Crimea autonomy – a legal status that was maintained until

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[5]   In Latin, 'as you possessed, so shall you possess', whereby the parties provisionally preserve the territory occupied at the end of a conflict until permanent boundaries are agreed. See Shaw, M. M.: 'Peoples, Territorialism and Boundaries', in European Journal on International Law, 1997, pp. 491–507. Retrieved from <http://ejil.oxfordjournals.org/content/8/3/478.full.pdf>. [Last accessed: 1 May 2014].
[6]   See Kubicek, P.: 'The Commonwealth of Independent States: an example of failed regionalism', in Review of International Studies, Cambridge University Press, vol. 35, 2009, pp. 237–56.

the peninsula's declaration of independence and subsequent incorporation into Russia in March 2014.[7]

Coupled with the tension over Crimea were the disputes over the distribution of the Soviet Black Sea Fleet and the use of its main base, Sebastopol. The issue was settled with the Treaty of Peace and Friendship of 1997,[8] whereby Ukraine kept 18.3% of the fleet and was obtained the relief of the remaining 31.7% of its debt to Russia that it had initially demanded. It also maintained its sovereignty over Sebastopol, but with the obligation to rent the facilities to Russia for a period of twenty years.[9]

This period of détente between the two great eastern Slavic nations was also spurred by Ukraine's accession as a non-nuclear state to the Non-Proliferation Treaty (NPT) after renouncing the USSR's nuclear armaments based on its territory. For this purpose the United States, Russia and the United Kingdom offered Kiev guarantees of its territorial integrity in addition to funds for financing its nuclear disarmament at the OSCE's Budapest Summit on 5 and 6 December 1994.[10]

Border disputes of a military nature and 'frozen conflicts'

While in the cases mentioned in the previous sections the frontiers remained stable (at least until the current Ukrainian crisis) and the crises were neutralised, in others territorial disputes in the post-Soviet space developed into full-blown armed conflicts with a death toll of some 150,000.[11]

The first conflict worth citing is that of Trans-Dniester.[12] The administrative frontiers of the SSR of Moldova between 1945 and 1991 did not corres-

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[7]   See Bowring, B.: 'The Crimean autonomy: Innovation or anomaly?' in Weller and Wolff (eds.): Autonomy, self-governance and conflict resolution, New York: Routledge, 2005, pp. 75–97.

[8]   See Felhengauer, T.: Ukraine, Russia and the Black Sea Fleet accords, WWS Case Study 2/99, Princeton University. Retrieved from <http://wws.princeton.edu/research/cases/ukraine.pdf>. [Last accessed: 1 May 2014].

[9]   See Sherr, J.: 'Russia-Ukraine Rapprochement? The Black Sea Accords', in Survival, vol. 39, no. 3, autumn 1999, pp. 33–50.

[10]   See Garnett, S. W.: 'Ukraine's decision to join the NPT', in Arms Control Today, vol. 25, no. 1, January 1995, pp. 7–12; and Dubinin, Y.: 'Ukraine's Nuclear Ambitions: Reminiscences of the Past', in Russia in Global Affairs, 13 April 2004. Retrieved from: <http://eng.globalaffairs.ru/number/n_2913>. [Last accessed: 1 May 2014].

[11]   See Blanc Artemir, A.: Conflictos territoriales, interétnicos y nacionales en los estados surgidos de la antigua Unión Soviética, Valencia: Tirant lo Blanc, 2004, p. 23.

[12]   For a study of the polemological causes of this conflict, see Cojocaru, N.: 'Nationalism and identity in Transnistria', in The European Journal of Social Science Research, vol. 19, no. 3 and 4, 2006, pp. 261–72; and Waters, T.: 'Russian peacekeeping in Moldova: Source of stability or neo-imperialist threat?', in Mackinley and Cross: Regional peacekeepers: The paradox of Russian peacekeeping, New York: United Nations University, 2003, pp. 133–36.

pond to any known historical entity, as in 1945 the Bolsheviks had added to the Romanian ethnic region between the rivers Prut (to the west) and Dniester (to the east) the left bank of the Dniester, heavily populated by Slavs (Ukrainians and Russians).

The pro-independence movement of the ethnic Romanians came up against strong resistance in Trans-Dniester, owing to fears that Moldova might want reunification with Romania (as occurred in the interwar period). There was also an economic factor, as the area, which accounts for only 12% of Moldova's territory and 17% of its population, was then producing 35% of its GDP.[13] Therefore, even the ethnic Romanians (40% or so of the inhabitants of the left bank) backed the proclamation of the Moldovan Republic of Trans-Dniester, with Tiraspol as its capital.

Chisinau's attempt to reconquer this area triggered a short-lasting civil war in 1992, which ended with the victory of the secessionists and some 1,500 dead. As for the role of Russia, the 14th Army achieved a ceasefire in July 1992 after halting the offensive of the Moldovan troops.[14] These forces, reduced to some 1,400 men, have remained in Trans-Dniester to the present day, guaranteeing the defence of Russian interests in the area.

As for the South Caucasus, the same pattern was repeated in Georgia: in view of Tibilisi intentions to gain its independence from the USSR, South Ossetia (of Indo-European as opposed to Caucasian ethnicity) proclaimed its sovereignty in order to become reunified with North Ossetia (part of Russia). January 1991 saw the outbreak of a war that caused some 1,800 deaths and ended with the defeat of Georgia and the signing of the Dagomys Accords in May 1992, with Russia as guarantor.[15]

In February 1992, the Tiflis government reinstated the constitution of 1921, annulling the autonomy of the northwest region of Abkhazia. As a result, the Abkhazians (who are of Caucasian ethnicity like the Georgians but Muslim in religion, and accounted for only 17% of the region's population at the time) declared their independence on 23 July 1992, giving rise to a bloody armed conflict that ended with the victory of the secessionists.

A ceasefire was reached in December 1993 with the mediation of the UN and Russia, and in June 1994 peace-making troops of the CIS (who

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[13] See King, C.: 'The Benefits of Ethnic War: Understanding Eurasia's Unrecognized States', in World Politics, no. 53, 2001, pp. 524–52.

[14] On Russia's role in this conflict, see Ozhiganov, E.: 'The Republic of Moldova: Transdniéster and the 14th Army', in Arbatov (ed.): Managing conflict in the former Soviet Union. Russian and American perspectives, Boston: Center for Science and International Affairs Harvard University, 1997, pp. 147–48.

[15] On this question, see. Mark, D. E.: 'Eurasia Letter: Russia and the New Transcaucasus', in Foreign Policy, no. 105, winter 1996 and 1997, pp. 141–59.

were actually exclusively Russian) were deployed in Abkhazia.[16] The situation in South Ossetia and Abkhazia, despite various episodes of escalating tensions, remained practically *frozen* until the eruption of the Russo-Georgian war in the summer of 2008.

Another conflict also broke out in the South Caucasus over control of the Nagorno-Karabakh enclave. This region, with a majority of Armenian ethnicity, had been assigned administratively by the USSR to Azerbaijan. During 1991–92 Baku launched an offensive against the separatists, but the Armenians counterattacked and reconquered Nagorno-Karabakh in 1993 and 1994 , as well as occupying the seven districts that surround it (all in all 20% of Azerbaijan's territory).[17]

Some 600,000 Azerbaijanis were displaced and about 25,000 people died before the (Russian-promoted) ceasefire was imposed on 5 May 1994.[18] This agreement remains valid today, as it has not been possible to settle the conflict, despite the international efforts at mediation as part of the OSCE's Minsk Process. Russia maintains its 102nd Military Base in Armenia with some 5,000 troops, and is responsible for surveillance of that country's borders with Turkey and Iran.[19]

The impact of the 'Colour Revolutions' in the post-Soviet space

The post-Soviet space remained relatively stable from 1994, despite the continuation of the *frozen conflicts*. However, just as some leaders justified crushing the political opposition as part of the fight against terrorism following the attacks of 11 September 2001, in the area we are dealing with opponents emerged who, in order to rise to power, won the support

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[16]   Georgia's President Shevardnadze tried to get western troops to take part. This possibility was rejected by the United Kingdom and France, whereas President Clinton supported the UN mission (but without contributing troops) and proposed that Russian troops be excluded (an ineffective condition as Moscow would later veto it on the Security Council). Kozhokin E. M.: 'Georgia-Abkhazia', in Azrael and Payin (eds.): US and Russia Policy Making with respect to the Use of Force, RAND Center for Russian and Eurasian Studies, 1995, pp. 81–82. Retrieved from: <http://www.rand.org/content/dam/rand/pubs/conf_proceedings/2007/CF129.pdf>. [Last accessed: 2 May 2014].

[17]   On this conflict, see Miller, N. W.: 'Nagorno Kabarakh: A war without peace', in Eichensehr and Reisman (eds.): Stopping Wars and Making Peace: Studies in International Intervention, Leiden: Koninklijke, 2009, pp. 43–63.

[18]   Blanc Artemir, A.: Conflictos territoriales, interétnicos..., op. cit., p. 188.

[19]   For some authors, Russia's involvement in this conflict has been merely symbolic, though in general this has not prevented it from being regarded as more pro-Armenian than pro-Azerbaijani. Kuzmicheva, L.: 'Unresolved conflicts in the common neighborhood: a comparative analysis of EU and Russian policies', in SPES Policy Papers, 13 January 2011. Retrieved from: <http://www.iepberlin.de/fileadmin/website/09_Publikationen/SPES_Policy_Papers/SPES_Policy_Paper_2011_Larisa_KUZMICHEVA.pdf>. [Last accessed: 21 May 2014].

of the West by presenting themselves as reformist movements with democratic values.

This trend materialised in the so-called 'Colour Revolutions', the first of which began after Georgia's legislative elections on 2 November 2003. The suspicions of fraud triggered the toppling of President Shevardnadze on 23 November by the Rose Revolution led by Mikheil Saakashvili, who became the new president in January 2004.[20]

The revolts were funded by the US magnate George Soros[21] and, although Russia did not initially feel threatened by the change of regime, Saakashvili's intention to apply for NATO membership and his first attempts at restoring Tiflis's sovereignty over South Ossetia and Abkhazia, breaking the peace agreements of the 1990s,[22] led the Kremlin to perceive this revolution and those that would ensue as western interference in its area of special interest.

The situation was further exacerbated when in mid-November 2003, in the throes of the Rose Revolution, the Russian government presented the Kozak Memorandum to settle the conflict over Trans-Dniester, whereby Moscow discarded the hitherto maintained concept of sovereign equality between Chisinau and Tiraspol, but the West considered that the plan would prolong Russia's military presence in Moldova until 2020, and that Trans-Dniester would have de facto control of the whole state.[23] Moldova's President Voronin therefore eventually rejected it, triggering the resentment of Russian diplomacy.

As for Ukraine, Russia's interference in its domestic politics by supporting Viktor Yanukovych (President Kuchma's political heir), who beat Viktor Yushchenko in the presidential election of 2004 that was marked by a host of irregularities, left it in a tricky situation when popular pressure from the so-called 'Orange Revolution' forced it to repeat the elections in 2005, which were finally won by the self-professed reformists.[24]

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[20] See Mitchell, L.: 'Georgia's Rose Revolution', in Current History, October 2004. Retrieved from: <http://www.usip.org/sites/default/files/sr167.pdf>; and Kandelki, G.: 'Georgia's Rose Revolution: a participant's perspective', in Special Report, no. 167, Washington D. C.: US Institute of Peace, July 2006. Retrieved from: <http://www.usip.org/files/resources/sr167.pdf>. [Last accessed: 1 May 2014].

[21] See 'Soros Downplays Role in Georgia Revolution', The Associated Press (31 May 2005). Retrieved from: <http://www.armeniandiaspora.com/showthread.php?Veintiocho775-Soros-Downplays-Role-in-Georgia-Revolution>. [Last accessed: 1 May 2014].

[22] See Leonard, M. and Grant, C.: 'Georgia and the EU: Can Europe's neighbourhood policy deliver?', in Centre for European Reform Policy Brief, September 2005, no. 5. Retrieved from: <http://www.cer.org.uk/publications/archive/policy-brief/2005/georgia-and-eu-can-europes-neighbourhood-policy-deliver>. [Last accessed: 1 May 2014].

[23] Popescu N.: 'The EU in Moldova-Setting conflicts in the neighbourhood', in EUISS Occasional Paper, no. 60, October 2005, p. 30. Retrieved from: <http://www.iss.europa.eu/uploads/media/occ60.pdf>. [Last accessed: 1 May 2014].

[24] Lazarevic, D.: 'NATO Enlargement to Ukraine and Georgia: old wine in new bottles?', in Connections: The quarterly journal, Partnership for Peace Consortium of Defence Academies and Security Studies Institute, 2009, p. 50.

The impact caused in Russia by the events in Ukraine[25] led to the increasing use of pressure measures: maintenance of military presence in the neighbouring countries; offers of passports to residents in other states,[26] converting them into Russian citizens whose defence is of special interest to the Federation; commercial blockades[27] and threats of repatriation of foreign workers in Russia; and different prices for energy supplies based on political criteria.

The issue of energy supplies and the 'gas wars'

The energy issue has precisely been one of the areas that reflected most clearly the clash between Russia and Ukraine following the Orange Revolution, and has had serious consequences for the EU countries.

In the case of natural gas, Russia owns the second largest proven natural gas reserves in the world – 32,900 bcm[28] – and is the second biggest producer, with 592 bcm. In contrast, Ukraine has proven reserves of only 600 bcm and its annual production of 18.6 bcm falls far short of covering the 49.6 bcm it consumes.[29]

During the period of the USRR, the gas consumed by Ukraine came chiefly from Turkmenistan, through the centralised network of gas pipelines. Between 1992 and 2005 it kept up the pretence of this direct supply, not taking into account that it crossed Gazprom's Russian pipeline network.[30] After Yushchenko came to power, Russia made it clear that it would not continue to sell gas to Ukraine for the same subsidised domestic-market price, and that Ukraine and Turkmenistan would no longer be able to establish their own supply contracts without taking into account the country of transit.[31]

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[25] Gleb Pavlovski, a political advisor to the presidential administration, described the Orange Revolution as 'a very useful catastrophe for Russia, we learnt a lot'. Popescu, N. and Wilson A.: The Limits of Enlargement-lite: European and Russian Power in the Troubled Neighbourhood, ECFR, June 2009, p. 29. Retrieved from: <http://ecfr.3cdn.net/66e95c3cd50b72d59a_87m6y59xi.pdf>. [Last accessed: 1 May 2014].

[26] See Artman V. M.: 'Passport Politics: Passportization and Territoriality in the de facto States of Georgia', University of Oregon, June 2011. Retrieved from: <https://scholarsbank.uoregon.edu/xmlui/bitstream/handle/1794/11506/Artman_Vincent_M_ma2011sp.pdf?sequence=1>. [Last accessed: 2 May 2014].

[27] See Elvestad C. and Nilssen F.: 'Restricting imports to the Russian food market: simply an act of protectionism?', in Post-Communist Economies, vol. 22, no. 3, 2010, pp. 267–82.

[28] Billion Cubic Meters: usual measurement for expressing gas reserves, production and consumption.

[29] Data taken from BP Statistical Review of World Energy June 2013. Retrieved from: <http://www.bp.com/content/dam/bp/pdf/statistical-review/statistical_review_of_world_energy_2013.pdf>. [Last accessed: 2 May 2014].

[30] See Roberts J.: 'Russia and the CIS: Energy relations in the wake of the Russia-Ukraine gas crisis', in EUISS opinion, February 2009, p. 1. Retrieved from: <http://www.iss.europa.eu/uploads/media/Russia_and_the_CIS.pdf>. [Last accessed: 2 May 2014].

[31] 'Vladimir Putin informed Kiev […] that as of January 2006 Gazprom would raise the price of natural gas from $50 per 1,000 cubic metres to approximately $180 per 1,000

As Kiev rejected the new price set by Moscow, on 1 January 2006 Russia cut off its supply of gas to Ukraine. The problem was that the Ukrainian gas pipelines transported not only gas consumed in that country, but also 80% of all the gas Russia exported to the EU. The Ukrainian consortium Naftogaz chose to siphon off gas in transit, passing on a bilateral problem to Gazprom's European clients. The crisis ended on 4 January, when a price of 95 US dollars per 1,000 m^3 was established, as a result of the combination of Russian and Turkmen gas in the supply.

It should be stressed that also under this agreement the transit fees that Russia pays Ukraine to send its gas to Europe were increased from 1.09 to 1.6 US dollars (per 1,000 m^3 per 100 km). This was a constant feature of the subsequent years, as every time the price of Russian gas was raised the transit fees were increased, as shown in table 1:

Year	Price per 1,000 m^3 of gas	Transit fee
2005	$50	$1.09
2006	$95	$1.6
2007	$130	$1.6
2008	$179.5	$1.7
2009	$259	$1.7
2010	$305 JAN–MAR $230–240 rest of year	$2.78

Table 1: price of Russian gas and transit fees in Ukraine 2005–10
Source: Ukraine 2010 Transformation Report-Eastern Institute

The gas prices paid by Ukraine therefore progressively converged with those paid by the EU until 2008. That year, influenced no doubt by the support lent by Yushchenko's government to Georgia in its war against Russia and by the rise in the price of gas paid by the EU (which amounted to 418.9 US dollars), Russia began to pay higher prices to the Central Asian republics; according to Moscow, this justified raising the price of the portion of Turkmen gas it supplied to Kiev.

On 31 December Naftogaz turned down Gazprom's offer (a rise from 179.5 to 250 US dollars for every 1,000 m^3)[3], and Gazprom threatened Naftogaz with the *European price* of 418.9 US dollars unless Ukraine settled all its debts and signed a long-term agreement. As no agreement was reached, on 5 January 2009 Putin, then prime minister, gave orders for Ukraine's gas supply to be totally cut off, continuing to send gas across its territory to the EU.

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cubic metres [...]. Although Moscow claimed that its actions were based purely on market considerations, the fact that Gazprom did not raise the price of gas for the friendly Belarus or the Trans-Dniestr region revealed the underlying political rationale for the action.' Donaldson, R. H. and Nogee, J. L.: Russia: Changing Systems, Enduring Interests, Armonk: M. E. Sharpe, 2009, p. 175.

As in 2006, Naftogaz began siphoning off gas in transit and the supply was therefore fully disrupted on the 6th, leaving Eastern Europe literally freezing owing to the extremely low temperatures. On the 9th the EU sent observers to Ukraine to ensure that the gas sent by Russia was not diverted, and on the 10th a three-party agreement was signed to resume supplies. However, owing to disagreements over some additional clauses that Ukraine wished to include, the situation did not return to normal until 20 January, after 13 days of total disruption.

The agreement was signed by prime ministers Putin and Yulia Tymoshenko, and in 2011 it would cost the latter a seven-year prison sentence for abuse of power. It is a long-term (ten-year) contract to prevent the disputes that had previously arisen every winter, taking as a reference a price of 450 US dollars per 1,000 m^3 from January 2009.

When, owing to the economic crisis, the EU's demand for Russian gas waned during the following years, the prices were lowered for everyone except Ukraine, which was furthermore under contractual obligation to import a minimum amount (42 bcm annually under the take or pay clause). As a result, Ukraine's GDP fell by 15% in 2009 alone, and following the presidential elections of 2010 Viktor Yanukovich's new government attempted unsuccessfully to renegotiate the supply conditions.

Regional cooperation initiatives in the post-soviet space

The geopolitical instability of the post-Soviet space, examined in the previous sections, can be explained by the evident failure of the cooperation initiatives that arose following the demise of the USSR, the CIS being the most representative owing to its initial level of ambition.

In the field of security, there were plans to establish common armed forces for which a permanent command structure – the CIS's Armed Forces Headquarters located in the former Warsaw Pact Headquarters in Moscow – was set up under the authority of the Council of defence ministers of the CIS. However, this project floundered and in December 1993 it was replaced by the Military Cooperation Coordination Headquarters of the CIS.[32]

The military component of the CIS was the Collective Security Treaty (CST), signed in Tashkent on 15 May 1992 for a five-year period by Armenia, Russia, Kazakhstan, Kirghizstan, Tajikistan and Uzbekistan. Precisely that May Russia had created its own armed forces in view of the fact that the rest of the CIS members were not willing to maintain single forces.[33]

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[32]   Vozzhenikov, A. V. and Alkhlayev, S. M.: 'The evolution of CIS military-political cooperation', in Military Thought, January 2007, p. 3.
[33]   In this connection see Greco E.: 'Third party peace-keeping and the interaction between Russia and the OSCE in the CIS area', in Bothe, Ronzitti and Rosas (eds.): The

Azerbaijan and Georgia joined the CST in 1993, followed by Belarus in 1994 (Ukraine and Moldova have always remained outside).

Article 4 of the CST is considered the most important, as it establishes that an aggression against any of the signatories will be taken as an aggression against all of them, which will provide all the assistance needed, including military.[34] Therefore, it was initially attempted to put in place a collective security model in the region, but these efforts were soon overwhelmed by so many conflicts and Russia was forced to return to reality, adopting a strategy of regional supremacy.

Proof of this failure was the emergence of the GUAM, an acronym formed by the initials of Georgia, Ukraine, Azerbaijan and Moldova. The organisation was informally established in 1997 in connection with the signing of the abovementioned Russia-Ukraine Treaty of Peace and Friendship,[35] and was a *caucus* within the CIS that grouped together the former Soviet republics closest to the West, which had also lost sovereignty over part of their territory following the disappearance of the USSR.

The Charter of the organisation, which had been joined by Uzbekistan in 1999 (becoming the GUUAM), was signed at Yalta in June 2001. Neighbours such as Poland and Lithuania were invited to its meetings, but never Russia, and it thus asserted its nature of counterweight to the Kremlin's influence in the area.[36]

Since the beginning of Putin's term as president in 2000, Russia took on board the inefficiency of the abovementioned organisations (such as the CIS and the CST) and set about turning them into an instrument of its foreign and security policy, giving shape to an isolated pole of power that incorporated the country's most willing to support its stances.

In the field of security, the decline of the CST (in 1999 Azerbaijan, Georgia and Uzbekistan withdrew from the treaty to join their GUUAM partners Moldova and Ukraine, which never signed it) led it to be converted into the Collective Security Treaty Organisation (CSTO). Its Charter was signed in October 2002

OSCE in the Maintenance of Peace and Security, The Hague: Kluwer Law International, 1997, p. 269.

[34] Blanc Artemir, A.: La herencia soviética, Madrid: Tecnos, 2004, p. 47.

[35] See Priego Moreno, A.: 'El GUUAM: iniciativa regional norteamericana en Asia Central', UNISCI Discussion Papers, October 2003. Retrieved from: <http://revistas.ucm.es/index.php/UNIS/article/view/UNIS0303330011A>. [Last accessed: 2 May 2014].

[36] 'If the CIS may be seen as an anti-hegemonic project directed against the EU and NATO, the GUUAM group has represented an anti-CIS project in favour of the EU and NATO.' NEUMMAN, Iver B., 'Regionalization and democratic consolidation', in Zielonka J. and Pravda A. (eds.): Democratic Consolidation in Central Europe, vol. II, Oxford: Oxford University Press, 2001, pp. 64 and 65.

by Russia, Belarus, Armenia, Kazakhstan, Kirghizstan and Tajikistan, which were later joined by Uzbekistan when it withdrew from the GUUAM in 2005.[37]

In the economic sphere, taking as a basis the Customs Union established within the CIS by Russia, Belarus and Kazakhstan in 1996, in October 2000 the treaty establishing the Eurasian Economic Community (EurAsEC) was signed by Russia, Belarus, Kazakhstan, Kirghizstan and Tajikistan, which were joined by Uzbekistan in October 2005 (Armenia, Ukraine and Moldova enjoy observer status in this organisation).[38]

Table 2 sums up the membership of the organisations that were successively formed in the post-Soviet space. It shows the existence of two groups: the one most favourable to Russia, with the CSTO as military component and the EurAsEC as economic component, and the GUAM. Uzbekistan oscillates between both groups and Turkmenistan is voluntarily isolated.

	CIS	CST	EurAsEC	CSTO	Customs Union	GUAM/GUUAM
Russia	X	X	X	X	X	
Belarus	X	X	X	X	X	
Kazakhstan	X	X	X	X	X	
Tajikistan	X	X	X	X		
Kyrgyzstan	X	X	X	X		
Uzbekistan	X	X (until 1999)	X (2005–2008)	X (2006–2012)		X (1999–2005)
Armenia	X	X		X		
Azerbaijan	X	X (1993–1999)				X
Georgia	X (until 2009)	X (1993–1999)				X
Moldova	X					X
Ukraine	X (has not ratified the Charter)					X
Turkmenistan	X (has not ratified the Charter)					

Table 2: Participation in multinational organisations of the post-Soviet space
Source: Compiled by author

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[37] See Weinstein, A.: 'Russia phoenix: the Collective Treaty Security Organization', in The Whitehead Journal of Diplomacy and International Relations, no. 167, 2007.
[38] See 'The Eurasian Economic Community: Its Features and Development Problems', in Studies on Russian Economic Development, vol. 16, no. 6, November and December 2005, pp. 639–48.

The common foreign and security policy (CFSP) in the eastern neighbourhood

The birth of the EU following the entry into force of the Maastricht Treaty on 1 November 1993 gave rise to the so-called 'second pillar' of the Common Foreign and Security Policy (CFSP), which is directed by the Council at the intergovernmental level and is the natural framework for formulating the first initiatives for cooperation with the post-Soviet space. Nevertheless, we should not ignore the important role played by the EU's 'first pillar', directed by the Commission at the intra-governmental level, as in the 1990s the focus of this cooperation was much more economic than political.

This was because the CIS perceived itself as a region that was too geographically distant from the EU and in which Russia was the main actor whose duty was to tackle the conflicts studied earlier. The then twelve members of the Union (fifteen following the accession of Sweden, Finland and Austria in 1995) accordingly centred their action on the Balkan region and on managing the conflicts of the former Yugoslavia. Therefore, the post-Soviet space (not including the Balkans now) was addressed as a whole at that stage, and Brussels merely provided technical and humanitarian assistance.

This initial stage, characterised by a low level of involvement of the CFSP, lasted from 1992 to 2003. The subsequent period from 2004 to 2008 was marked by the starting up of the European Neighbourhood Policy (ENP), while the greater ambition shown since 2009 to the present has materialised into the creation of the Eastern Partnership.

Each of these periods will be studied separately, devoting a section to the role of the European Security and Defence Policy (ESDP) established in 1999 as a component of the CFSP, which, as will be seen, has fallen far short of its real possibilities, though its importance has grown in accordance with the greater significance the EU has attached to the political dimension as opposed to the economic dimension.

The CFSP in the post-Soviet space from 1992 to 2003

Relations between Russia and the EU stemming from the Maastricht Treaty of 1992 were initially based chiefly on economic and trade aspects. The EU attempted to apply to Russia the same strategic approach as it adopted for the Central and Eastern European countries: to speed up systematic change and its conversion into a market economy through external pressure.[39]

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[39]   The EU would soon distinguish between the countries of Central and Eastern Europe and the members of the CIS. As Hughes points out, 'Some of these states, such as

For this purpose, in 1994 it designed an EU-Russia Partnership and Cooperation Agreement (PCA) that entered into force in 1997. With a ten-year duration, the PCA envisaged the liberalisation of markets and harmonisation of regulations on the basis of the acquis communautaire, political dialogue, technical cooperation and gradual coordination of police and justice matters.[40]

It should be stressed that, as it was focused on the economy, the PCA was not a genuine strategic agreement. At any rate, another series of initiatives emerged in the 1990s under this focus: the Madrid European Council of 1995 approved the EU's strategy for future EU-Russia relations,[41] one of whose stated objectives was to consolidate peace, stability and security to prevent new dividing lines in Europe, though it did not establish practical channels through which Russia could collaborate to address the new security challenges.[42]

The signing of the Amsterdam Treaty in 1997 equipped the EU with a new CFSP tool: the possibility of adopting 'common strategies' for certain countries or regions. The first was precisely the 'Common Strategy of the EU on Russia', approved at the Cologne Council in June. The strategy lays down four areas of action, two of them related to security and defence (stability and security, and common challenges in the European continent).

This document also lists important principles, for example that EU-Russia cooperation promotes not only regional security but also world security; that joint foreign policy initiatives could be adopted for Russia's participation in missions of the Western European Union (then Western Europe's armed branch); and that closer collaboration was needed in defining a new European security architecture in the framework of the OSCE.

Poland or Hungary, were from the beginning considered to be prospective new members of the EU. The FSU/CIS region, in contrast, was considered to be one of vital economic and security importance to the EU, but where the prospect of EU membership was remote, if not inconceivable.' Hughes, J.: 'EU relations with Russia: partnership or asymmetric interdependence?', in Casarini and Muzu (eds.): The EU's Foreign Policy in an Evolving International System: The Road to Convergence, London: Palgrave Macmillan, 2007.

[40] 'Agreement on Partnership and Cooperation', in Official Journal of the European Communities (28 November 1997). Retrieved from: <http://ec.europa.eu/world/agreements/downloadFile.do?fullText=yes&treatyTransId=643>. [Last accessed: 3 May 2014].

[41] The European Union and Russia: The Future Relationship-a Strategy Designed by the European Commission, 31 May 1995. Retrieved from: <http://europa.eu/rapid/pressReleasesAction.do?reference=IP/95/533&format=HTML&aged=1&language=EN&guiLanguage=en>. [Last accessed: 3 May 2014].

[42] Samokhvalov, V.: 'Relations in the Ukraine-Russia-EU triangle: «zero-sum game» or not?', in EUISS Occasional Paper, no. 68, September 2007, p. 7. Retrieved from: <http://www.iss.europa.eu/uploads/media/occ68.pdf>. [Last accessed: 3 May 2014].

However, in a paradoxical parallel process, NATO (to which eleven EU Member States then belonged) had begun its eastward expansion to take in Poland, Hungary and the Czech Republic, which in Russia's view amounted to perpetuating the very dividing lines that it was being attempted to avoid.

Towards the end of this period, it was agreed at the EU-Russia Summit held in St Petersburg in May 2003 to strengthen bilateral relations by creating four Common Spaces in the framework of the 1997 PCA, based on shared values and interests. These spaces are 'economic', 'freedom, security and justice', 'external security' and 'research and education'.[43]

As for the six other former Soviet republics studied, they all had access to the funds provided under the programme for Technical Aid to the Commonwealth of Independent States (TACIS), aimed at helping the systems that were heirs to communism make the transition to market economies. The EU allocated a total of 7.3 billion euros to TACIS between 1991 and 2006.[44] What is more, following the model of the PCA with Russia, the EU intensified its political links with the region:

- The PCA with Ukraine entered into force in February 1998,[45] and its equivalent with Moldova in July that year,[46] only a year after its Russian counterpart.
- The PCA with Belarus was agreed on in 1995, but in 1997 the EU decided it would not enter into force owing to the authoritarianism of President Lukashenko.
- The process was slower in the South Caucasus, as the EU was reluctant to sign agreements with those countries owing to their conflicts.[47] The PCAs were finally signed in 1996 and entered into force during 1999.

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[43] See Emerson, M.: 'EU-Russia: Four Common Spaces and the Proliferation of the Fuzzy', in CEPS Policy Brief, no. 71, May 2005. Retrieved from: <http://aei.pitt.edu/6615/1/1224_71.pdf>. [Last accessed: 3 May 2014].

[44] See Frenz, A.: The European Commission TACIS Programme 1991-2006: A Success Story. Retrieved from: <http://ec.europa.eu/europeaid/where/neighbourhood/regional-cooperation/enpi-east/documents/annual_programmes/tacis_success_story_final_en.pdf>. [Last accessed: 3 May 2014].

[45] Partnership and Cooperation Agreement between the European Communities and their member states and Ukraine, available from [Accessed: 3 May 2014].

[46] Partnership and Cooperation Agreement between the European Communities and their Member States and Moldova. Retrieved from: <http://ec.europa.eu/world/agreements/prepareCreateTreatiesWorkspace/treatiesGeneralData.do?step=0&redirect=true&treatyId=193>. [Last accessed: 3 May 2014].

[47] See Linch, D.: 'Why Georgia matters', Chaillot Paper, no. 86, Paris: EU Institute for Security Studies, 2006, p. 61. Retrieved from: <http://www.iss.europa.eu/publications/detail/article/why-georgia-matters/>. [Last accessed: 3 May 2014].

The objectives and structure are similar and include a Cooperation Council (with ministerial level meetings once a year), a Cooperation Committee (with frequent working meetings in subcommittees formed by high-ranking members of the Commission and European Council, and from the relevant country), and a Parliamentary Cooperation Committee. The holding of top-level summits was only considered in the cases of Russia and Ukraine.[48]

The CSDP in the post-Soviet space in the period from 1992 to 2003

As for the role of the EU in conflict prevention and crisis management, the ESDP was not created as a component of the CFSP until the Cologne Council of June 1999 and the first missions did not begin until 2003; therefore, the Union did not play a significant role in the abovementioned conflicts in the post-Soviet space.

The region was furthermore considered too remote (unlike the Balkans) to affect the Union's security interests, and management of the conflicts in Moldova, Georgia and Armenia-Azerbaijan was therefore left to Russia and organisations such as the OSCE and the UN. The most important role, to cite one, was played by France in an individual capacity, as in 1997 it assumed one of the joint presidencies of the OSCE's Minsk Process.[49]

The CFSP in the post-Soviet space from 2004 to 2008

As mentioned earlier, Russia's relations with the West took a clear turn for the worse during 2004–8 on account of the Colour Revolutions. However, Western Europe's attitude towards Russia was considerably more conciliatory than that of the United States. As Germany's Chancellor Schroeder stated, 'one of the fundamental truths of European politics is that security on our continent cannot be achieved without, and certainly not against, Russia'.[50]

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[48]   Shapovalova, N.: 'La UE en el Cáucaso sur', El Gran Cáucaso, Madrid: Instituto Español de Estudios Estratégicos, June 2012, Cuadernos de Estrategia, no. 156, p. 82. Retrieved from: <http://www.ieee.es/Galerias/fichero/cuadernos/CE_156_Gran_Caucaso.pdf>. [Last accessed: 3 May 2014].

[49]   See Ruiz González, F.: 'El Gran Cáucaso: Nagorno-Karabaj', in Panorama Geopolítico de los Conflictos 2011, Madrid: Instituto Español de Estudios Estratégicos, November 2011, pp. 89–108. Retrieved from: <http://www.ieee.es/Galerias/fichero/panoramas/Panorama_geopolitico_2011.pdf>. [Last accessed: 3 May 2014].

[50]   Schröder, G.: Speech on the 41st Munich Conference on Security Policy, 12 February 2005. Retrieved from: <http://www.worldsecuritynetwork.com/NATO-UN/Schroeder-Gerhard/Speech-on-the-41st-Munich-Conference-on-Security-PolicyGerman-Federal-Chancellor-Gerhard-Schroeder>. [Last accessed: 3 May 2014].

Schroeder went on to state that it is of crucial interest for Russia to play a constructive role in resolving global issues and that with that aim in mind the EU was working towards a truly strategic partnership made to last, which would include all key areas and benefit both sides. Along these lines, the working plans designed to develop the four Common Spaces established in 2003 were approved at the EU-Russia Summit held in Moscow in May 2005.[51]

As for the space of external security, the importance of these agreements lies in the fact that they again specify the responsibility shared by EU and Russia in maintaining security and stability both in Europe and beyond its borders, and also establish priority areas of cooperation, such as strengthening dialogue and cooperation on the international stage, combating terrorism, the non-proliferation of WMD and their means of delivery, and cooperation in crisis management and civil protection.[52]

According to the 'working plan', these areas are enshrined in the joint work performed in order to strengthen the roles of the UN, OSCE and Council of Europe (it is significant that there should be no mention of NATO, to which nineteen of the then twenty-five EU members belonged) in building an international order based on effective multilateralism and the EU's interest in involving Russia (which is essential) in resolving the region's frozen conflicts.[53]

On the negative side of the relationship, the turning point came with the EU's major enlargement in 2004, as the new eastern members also brought with them their problems with the Russian Federation, which include longstanding resentment, the perception of Russia as a threat to their territorial integrity and sovereignty, and the Russian minorities of the Baltic.[54] The consequences were immediate: for example, Poland's veto

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[51]   15th EU-Russia Summit Moscow, 10 May 2005, Road Maps, Brussels: EU Council, 11 May 2005. Retrieved from: <http://www.consilium.europa.eu/uedocs/cmsUpload/84815.pdf>. [Last accessed: 30 June 2012].

[52]   'Road Map for the Common Space of External Security', in ibid., pp. 32–39.

[53]   On EU-Russia cooperation in the Common Space of External Security, see Hoffman, M.: The European Security and Defense Architecture and the Russian Federation, Munich: GRIN Verlag, 28 February 2008.

[54]   'The accession of the Central European and Baltic states to the EU has brought new actors to the negotiating tables in Russia. Three years after enlargement the EU is deeply divided and faces great difficulties in finding common positions on any issue regarding relations with Russia. Member States' preferences swing between pragmatic engagement and containing Russia's influence in the EU and its eastern neighbourhood.' Fischer, S.: 'The EU and Russia: a contested partnership', in Grevi y De Vasconcelos (eds.): Partnerships for Effective Multilateralism, EUISS Chaillot Paper, no. 109, p. 117, <http://www.iss.europa.eu/uploads/media/cp109_01.pdf>» Retrieved: 3 May 2014].

in 2006 on starting negotiations to renew the PCA brought the talks to a standstill for two years.[55]

Leaving aside Russia, in 2003 the European Commission publicly announced the project for the European Neighbourhood Policy[56] (to promote stability and prosperity within and beyond the Union's new borders following the 2004 enlargement). The ENP did not initially include the South Caucasus, but in December 2003 the European Parliament urged the Commission to incorporate that region into the project, which it did in January 2004.

The ENP provides a structure for the EU's relationship with its neighbourhood over issues such as intensification of political dialogue, economic integration and trade, economic and social development, cooperation in justice and legal matters, integration of transport, energy and communications networks, research, cooperation in security and conflict prevention, the promotion of contacts between people, and the promotion of regional cooperation.[57]

For this purpose, the Union signed a series of 'action plans' with ENP countries: with Ukraine and Moldova in February 2005 (for a three-year period), with Georgia, Armenia and Azerbaijan in November 2006 (for a five-year period); but not with Belarus as a reprisal against Lukashenko's regime. These documents establish priority areas for cooperation, overall objectives and specific actions for each country. In short, they are lists of reforms to be completed by the neighbours in order to enjoy closer relations with the EU.

The action plans are funded through the so-called 'European Neighbourhood Policy Instrument' (ENPI) for issues such as:

- Political reforms: establishment and adaptation of institutional and administrative capabilities, good governance, the rule of law, respect for human rights, participation of civil society, multicultural dialogue and combating fraud, corruption, organised crime and terrorism.

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[55]   Morales Hernández J.: 'Las relaciones de Rusia con la UE: desafíos y propuestas', OPEX working document, no. 39, Fundación Alternativas, 2009, p. 29. Retrieved from: <http://www.falternativas.org/opex/documentos/documentos-de-trabajo/las-relaciones-de-rusia-con-la-union-europea-desafios-y-propuestas>. [Last accessed: 26 June 2012].
[56]   See European Commission: The Policy: How Does the European Neighbourhood Policy Work?. Retrieved from: <http://eeas.europa.eu/enp/how-it-works/index_en.htm>. [Last accessed: 12 May 2014].
[57]   European Commission: Wider Europe-Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours, Brussels, 11 March 2003. Retrieved from: <http://eeas.europa.eu/enp/pdf/pdf/com03_104_en.pdf>. [Last accessed: 4 May 2014].

- Economic reforms: economic development, market economy, intensification of trade and harmonisation of legislation with the EU, with a view to progressive economic integration into the internal market.
- Social reforms: integration, employment, non-discrimination, poverty.
- Sectorial cooperation: environment, sustainable development, energy, transport, telecommunications, health, food security, education and training, research and innovation.
- Regional and local development, as well as regional (Euro-Mediterranean and Eastern European regions) and subregional integration;
- Providing support to election observer missions, post-crisis situations and preparation for disasters.

The ENPI has been in force since 1 January 2007, and replaced the TACIS in the post-Soviet space. Russia receives funds from the ENPI, although its relationship with Brussels is not conducted in the framework of the ENP but rather in that of the PCA of 1997 and the Common Spaces of 2003. Although 90% of the ENPI's funds are used in the framework of the EU's bilateral action plans with each country, the novel feature of devoting the remaining 10% to cross-border programmes was also included.[58]

The ENP introduced the concepts of conditionality (progress depends on the success of the political and economic reforms), differentiation (meeting specific needs) and co-ownership (the countries should perceive the ENP as something that is their own). However critics pointed out that the ENPI funds were insufficient to encourage the reforms, that differentiation was used in EU's own interests (for example, in Azerbaijan's energy sector) and that some action plans were drawn up without taking the neighbours into account.[59]

In 2008, the last year of this period, the reports of the Commission for the European Parliament and the Council on the implementation of the ENP[60] explicitly mention the difficulties caused by the Georgian war of August and the second gas war with Ukraine that began that December; this evidences (though it was not specifically mentioned) the significant bearing EU-Russia relations have on progress in this area.

In the field of the CFSP/ESDP, mention is specifically made of Ukraine and Armenia (which are clearly aligned with the joint declarations and play an active part in the related affairs) and Azerbaijan (with slight progress in settling the Nagorno-Karabakh conflict), while the EU maintains its support for the negotiating framework of the OSCE's Minsk Process.

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[58] For information on the ENPI, see European Neighbourhood and Partnership Instrument. Retrieved from: <http://ec.europa.eu/europeaid/where/neighbourhood/overview/index_en.htm>. [Last accessed: 4 May 2014].
[59] Shapovalova, N.: 'La UE en…', op. cit., pp. 86 and 87.
[60] Reports by countries and years retrieved from: <http://eeas.europa.eu/enp/documents/progress-reports/index_en.htm>. [Last accessed: 4 May 2014].

However, this is an example that illustrates how risks to continental security cannot be addressed by the ENP as, owing to its bilateral character, the EU can only deal with the issue separately with Ereván and Bakú.

The ESDP in the post-Soviet space from 2004 to 2008

Unlike in the previous period, in 2004 the EU had recently equipped itself with a security strategy and had developed its crisis management structures (civil and military), and was therefore beginning to be in a position to play a role in the maintenance of international security, especially in its closest neighbourhood.

The European Security Strategy of December 2003 (known as the 'Solana Document' as it was promoted by the Union's then high representative for the CFSP) cited regional conflicts as one of the five key threats Europe faces, specifically mentioning the frozen conflicts that still exist at the very borders of the EU.[61]

The strategy also establishes among its objectives that the enlargement of 2004 should not create dividing lines in Europe, for which it is necessary to extend the benefits of economic and political cooperation to neighbours. The EU must strengthen its interest in the South Caucasus and adopt a more active attitude to its problems.[62]

Along these lines, in July 2004 the EU launched its first civil CFSP mission in the post-Soviet space, EUJUST Themis in Georgia. The country had belonged to the ENP for only a month, and there was therefore no action plan; the launching of the mission was thus interpreted as a political message of support to Mikheil Saakashvili's new government following the Rose Revolution in November 2003.

The purpose of Themis, made up of nine experts, was to assist the Georgian government in devising a global strategy to reform its judicial system in three phases: work with local authorities to assess progress and needs, design a reform strategy, and plan its implementation.[63] The mission ended in July 2005.

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[61] A Secure Europe in a Better World: European Security Strategy, Brussels, 12 December 2003, p. 4. Retrieved from: <http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf>. [Accessed: 4 May 2014].

[62] For an analysis of the ESS-2003, see Biscop, S.: 'The European Security Strategy: Implementing a Distinctive Approach to Security', in Sécurité & Stratégie, no. 82, March 2004. Retrieved from: <http://www.politologischinstituut.be/PE2004/documents/6Biscop.pdf>. [Last accessed: 4 May 2014].

[63] As an example of the problems of internal coordination, the Commission opposed the deployment of an ESDP mission in Georgia, proposing as an alternative the reinforcement of its own programmes in the area. In the end it was decided that Themis would complement the initiatives already underway, but in practice there was friction between

However, although it was considered, the EU did not reach an agreement to launch an ESDP surveillance mission at Georgia's borders with the separatist regions of Abkhazia and South Ossetia, despite Tiflis's petitions in this connection. One initiative was vetoed by Greece in April 2007 (probably due to Russian influence), and the Union therefore had a limited presence in the area when the conflict broke out in the summer of 2008.[64]

Even so, the EU headed the international mediation efforts to stop the Five Days war (8–12 August) between Russia and Georgia, and was the only actor that monitored in situ the ceasefire negotiated by President Nicolas Sarkozy of France, which then held the rotating six-month Presidency of the European Council.

In Moldova in November 2005, the EU launched the EU Border Assistance Mission to Moldova and Ukraine (EUBAM Moldova-Ukraine), which has the particular characteristic of being wholly managed and funded by the European Commission. Its aim is to provide advice and training to the Moldovan and Ukrainian authorities on establishing an international customs control agreement and an effective mechanism for monitoring borders, with some 200 troops.

Whatever the case, EUBAM has an important political dimension, as it is considered part of the EU's effort to settle the Trans-Dniester conflict. The head of the mission was thus also appointed advisor to the EU's special representative for Moldova, and has centred his efforts on combating smuggling and illegal cross-border trafficking, which are precisely one of the main sources of funds for the separatist government of Tiraspol.

As a result, the talks on the conflict in 2+5 format (Moldova/Trans-Dniester and EU/Russia/Ukraine/US/OSCE) ground to a halt between 2006 and 2012, and Trans-Dniester has turned even more to Russia, as well as voting for independence in a referendum in September 2006.

The CFSP in the post-Soviet space since 2009

The war between Russia and Georgia represented the nadir of the Federation's relations with the West, but also highlighted the need for a change of course. The advent of the Obama Administration in the United States in January 2009 and the 'reset' of relations with Russia materialised

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the mission chief and the delegation of the Commission. Helly, D.: 'EUJUST Themis in Georgia: an ambitious bet on rule of law', in Nowac (ed.): Civilian Crisis Management: The EU Way, EUISS Chaillot Paper, no. 90, June 2006, p. 94. Retrieved from: <http://www.iss.europa.eu/uploads/media/cp090.pdf>. [Last accessed: 12 May 2014].

[64] See Huff, A.: 'The role of EU defence policy in the Eastern neighborhood', in EUISS Occasional Paper, no. 91, 2011. Retrieved from: <http://www.iss.europa.eu/uploads/media/op91-The_role_of_EU_defence_policy_in_the_Eastern_neighbourhood.pdf>. [Last accessed: 12 May 2014].

into events such as modification of the missile shield, reactivation of the NATO-Russia Council in November 2010, and the holding of the OSCE's Astana Summit at the level of heads of state and government for the first time since 1999.

A further contributory factor was the advent to the Kremlin of Dimitri Medvedev, whose attitude was more conciliatory than that of his predecessor Putin. Medvedev's major project was to modernise the country's ancient socioeconomic structures. In the case of relations with the Union, this took the form of the signing, during the bilateral summit on May 2010 in Rostov-on-Don, of the Partnership for Modernisation, a flexible framework for promoting reforms, improving economic growth, boosting competitiveness, and complementing the EU-Russia strategic partnership.

With respect to the rest of the countries examined in this study, the shortcomings of the ENP[65] led the EU to launch a new initiative at the Prague European Council in 2009: the Eastern Partnership (EP, with Azerbaijan, Armenia, Belarus, Georgia, Moldova and Ukraine),[66] as a continuation of and complement to current bilateral relations, and to carry on fostering stability and multilateral confidence.

The collaboration projects are structured into four thematic platforms of which only one, energy security,[67] bears any relation to the Common Security and Defence Policy (CSDP, its new name following the entry into force of the Lisbon Treaty on 1 December 2009). It would have been advisable to have envisaged a more general security platform that also allowed for the possible contribution of capabilities of these nations to the CFSP/CSDP in areas of common interest.

What is more, the thematic platforms do not correspond to the Common Spaces with Russia, and the cooperation programmes in the common neighbourhood are not coordinated with Moscow – something that would have helped allay misunderstandings. Indeed, Russia stated through its ambassador to the EU[68] that it was not against the EP, provided that it did

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[65] The most elementary being that it lumps together the EU's non-European neighbours (such as those of Northern Africa and the Middle East) and its eastern neighbours, which are fully European and could become fully-fledged EU members, though this would take decades.

[66] Joint Declaration of the Prague Eastern Partnership Summit, 7 May 2009. Retrieved from: <http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/es/er/107630.pdf>. [Last accessed: 6 May 2014].

[67] The other three are good governance, economic integration, and contacts between people. See The Eastern Partnership Multilateral Platforms, EEAS. Retrieved: http://eeas.europa.eu/eastern/platforms/index_en.htm14 May 2014].

[68] See Vladimir Chishov's declarations in the article 'Cumbre UE-Rusia: ¿borrón y cuenta nueva?', in Deutsche Welle-World (25 May 2009). Retrieved from: <http://www.dw-world.de/dw/article/0,,4270227,00.html. [Accessed: 6 May 2014]>.

not contribute to creating new artificial divisions or tensions (by posing the dilemma of 'either us or Russia'), which is exactly what happened in the end in 2013.

Apart from this *original sin*, the EP is a combination of the highest-level bilateral ENP – which was achieved with Ukraine during the presidency of Yushchenko – and intensification of regional cooperation on the multilateral track. The bilateral track pursues political partnership and economic integration through the Association Agreements, the Deep Comprehensive Free Trade Areas (DCFTA) and the liberalisation of visas.

The Association Agreements maintain the conditionality of the ENP, but are legally binding and have a system for monitoring and assessing progress, which facilitates their implementation. The EU began negotiating with Ukraine in March 2007, before the birth of the EP, with Moldova in January 2010, and with the three South Caucasian countries that July (as usual, Belarus was excluded).

The DCFTA agreements offer as an incentive to eastern partners the opening of the European Common Market, but establish as a condition the progressive adoption of the community acquis and the implementation of a series of strict reforms. This could be a high political price that some governments may decide not to pay (such as Ukraine's President Yanukovych in November 2013).

The CSDP in the post-Soviet space since 2009

With the entry into force of the Treaty of Lisbon on 1 December 2009, the EU equipped itself with powerful new tools for strengthening its external action,[69] but in the post-Soviet space the results have been limited, at least until the Ukrainian crisis of 2013.

In May 2010 the European Parliament urged the Council and the Commission to adopt a strategy for the South Caucasus centred on three questions: resolving the frozen conflicts, promoting democracy, and socioeconomic development. It explicitly mentioned three challenges: Nagorno-Karabakh, rapprochement between Turkey and Armenia, and the Georgian conflicts. Despite this, the EU has not reached an agreement to relieve France as one of the co-chairs of the Minsk Group, a fact which evidences that common interests end where those of the Union's principal Member States begin.

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[69]   See Ruiz González, F.: 'El papel como actor global de la UE desde la entrada en vigor del Tratado de Lisboa', documento FUNCIVA, May 2011. Retrieved from: <http://www.ieee.es/Galerias/fichero/revistas/ActorGlobalUETratadoLisboa_FUNCIVAmayo2011_Ruiz.pdf>. [Last accessed: 14 de mayo de 2014].

The most significant role has been played by the EUMM Georgia, which was launched on 1 October 2008 to achieve stabilisation, normalisation and confidence building between Tiflis and South Ossetia.[70] Some 350 troops from as many as twenty-four Member States are involved in the operation – on the Georgian side of the border, as they are not authorised to enter the secessionist zone.

Whatever the case, Georgia has once again highlighted the EU's difficulties in using all its tools under a global approach, as the EUMM and the Incident Prevention and Response Mechanism (IPRM), led by the Council, have overlapped in their functions with the Union's special representative in the area and with the Commission's activities in the framework of the ENP.

EU-Russia relations in the energy field: the 'third package'

While the Commission drew as a lesson from the gas wars the need to reduce dependence on Russia, some of the main Member States (such as Germany and France) blamed the problems on the transit country and speeded up the projects for direct interconnection with the Federation. The result was Nord Stream with an annual capacity of 55 bcm, which since 2011 has linked Russia and Germany via the Baltic seabed (avoiding Ukraine and Poland).[71]

This infrastructure requires huge investments (7.4 trillion euros in the case of Nord Stream), which cannot be profitable unless the corporations that fund them retain their monopoly on access. However, European legislation adopted in 2009 on the third energy package goes against this as it sets out to impose the principle of unbundling – separation of generation and supply activities – making it compulsory for the major energy-producing corporations to be divested of their transmission assets.

Nevertheless, the Commission's plans were modified by Germany and France, which were not willing to allow their state monopolies to lose ownership of their gas and electricity transmission networks. Therefore, companies such as EDF and RWE simply ceded operation of the networks to independent operators, which were theoretically subjected to external auditing.

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[70] Whitman, R. and Wolff, S.: 'The EU as a conflict manager? The case of Georgia and its implications', in International Affairs, vol. 86, no. 1, January 2010. Retrieved from: <http://www.stefanwolff.com/publications/the-eu-as-a-conflict-manager>. [Last accessed: 14 May 2014].
[71] For further information, see Ruíz González, F. J.: 'Novedades y tendencias en la geopolítica europea del gas', Documento de Análisis del IEEE no. 31/2011, November 2011. Retrieved from: <http://www.ieee.es/Galerias/fichero/docs_analisis/2011/DIEEEA31_2011GasRuiz.pdf>. [Last accessed: 19 May 2014].

In the case of third countries, the legislation bars an energy company from purchasing a European company belonging to the sector unless it meets the requisites of separation between generation and transmission – which has tellingly been dubbed the 'Gazprom Clause'. However, despite Brussels's fixation with the Russian giant, Germany once again succeeded in including the possibility, by means of a bilateral agreement, of authorising the purchase of assets without complying with the clause.

In short, the principal members of the EU[72] are not prepared to let the Commission and its easternmost partners spoil their privileged relationship with Russia which, for example, allowed Germany to announce the future closure of all its nuclear power plants following the Fukushima disaster and gives priority to its national interests over the backing of openly anti-Russian measures adopted at Brussels.

The energy issue has been central to the debate between the EU and Russia. For example, at the bilateral summit of June 2011, President Medvedev complained that the third package imposes major restrictions on the investments of Russian companies in gas infrastructure, to which the Commission's President Barroso replied that this regulation seeks to improve the functioning of the internal gas and electricity market by establishing a clear legal framework for all investors and operators, regardless of their origin.

It should be recalled that, following the gas crisis of January 2009, President Medvedev proposed a new Energy Charter designed to replace that of 1991,[73] centring not only on consumer countries but also producer and transit countries. This initiative is important because in practice the Charter's obligations only apply to the former Soviet republics, and EU Member States can use community legislation as a pretext for not complying with them.[74]

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[72]   See Solera, M.: 'La política exterior alemana de diversificación energética: principios y líneas de acción (1998-2012)', Working document no. 11/2012, Real Instituto Elcano, September 2012. Retrieved from: <http://www.realinstitutoelcano.org/wps/portal/rielcano/contenido?WCM_GLOBAL_CONTEXT=/elcano/elcano_es/programas/energia-cambioclimatico/publicaciones/dt11-2012_solera_alemania_energia_politica_exterior>. [Last accessed: 13 May 2014].

[73]   On this matter, see Wälde, T. W. (ed.): The Energy Charter Treaty: An East-West Gateway for Investment & Trade, London: Kluwer Law International, 1996; and Konoplyanik, A. A.: 'The Energy Charter Treaty: A Russian Perspective', in ibid. pp. 156–78.

[74]   See Belyi, A. V.: 'La Posición rusa con respecto al Tratado de la Carta de la Energía', in Análisis del Real Instituto, no. 98, Real Instituto Elcano, 25 September 2009, p. 2. Retrieved from: <http://www.realinstitutoelcano.org/wps/portal/rielcano/contenido?WCM_GLOBAL_CONTEXT=/elcano/elcano_es/programas/geoestrategia+de+la+energ_a/publicaciones/escenario+global/ari98-2009>. [Last accessed: 13 May 2014].

The positions of the EU and Russia vis-à-vis the war in Syria and Turkey

The Eastern Mediterranean is an area intersected by the interests of the EU and Russia, and the civil war in Syria has therefore highlighted the differences between Brussels and Moscow over the security crisis in their shared neighbourhood.

The antecedents of this conflict must be sought in Libya, for whose civil war of 2011 the principle of the 'responsibility to protect' was applied: when a government is incapable of stopping genocide or human rights abuses of its own population, or when it is directly responsible for them, the UN can promote action to restore peace and security without respecting nation states' inherent right to non-interference in their internal affairs.[75]

Russia has always upheld this principle of non-interference,[76] but its abstention made it possible to approve Council Security Resolution 1973/2011 authorising the use of all the means necessary (except deployment of a ground force) to protect the civilian population in Libya. However, Moscow's fears that the West would take advantage of this authorisation to intervene in favour of one of the sides were confirmed, as the NATO operation continued until the death of Gaddafi in October 2011.

As a result, Russia has vetoed any initiative that could lead to a repetition of the Libyan model in Syria. What is more, Damascus is Moscow's remaining major ally in the region, and Russia has logistic support facilities at the Syrian port of Tartus, from which it can deploy its units in the Mediterranean. In addition, Russian companies have made multimillion investments in the Syrian energy sector and Syria is one of the Federation's main defence industry clients.[77]

Nor should we forget the security implications: just as Shia Syria has ties with Iran and the organisations that attack Israel (such as Hezbollah in the Lebanon), the terrorism that strikes Russia in the North Caucasus is radical Sunni in ideology, which is predominant among the Syrian oppo-

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[75]   See Naciones Unidas: La Responsabilidad de Proteger: Informe de la Comisión Internacional sobre intervención y soberanía de los Estados, December 2001. Retrieved from: <http://www.un.org/es/comun/docs/?symbol=A/57/303>. [Last accessed: 22 May 2014].

[76]   See Ruiz González, F.: '¿Qué explicación tiene la postura de Rusia ante la crisis de Siria?', Documento FUNCIVA, February 2012. Retrieved from: <http://www.funciva.org/uploads/ficheros_documentos/1328786539_que_explicacion_tiene_la_postura_de_rusia_ante_la_crisis_en_siria.pdf>. [Last accessed: 19 May 2014].

[77]   See Ruiz González, F.: 'El conflicto de Siria y el papel de Rusia: ¿respaldo a la legalidad internacional o juego de intereses geopolíticos?', Documento FUNCIVA, September 2013:   <http://www.funciva.org/uploads/ficheros_documentos/1379421748_el_conflicto_de_siria_y_el_papel_de_rusia.pdf>. [Last accessed: 19 May 2014].

sition, and therefore the emergence of an Islamist government in Damascus would not suit Russia.

In contrast to Russia's stance, the EU condemned the violence of Bashar al-Assad's regime from the outset, approving several packages of sanctions, and the EU Member States that are permanent members of the UN Security Council (France and the United Kingdom) acted in coordination with the United States to attempt to push through resolutions condemning Damascus, to the point of planning an armed attack in August 2013 following the use of chemical weapons in the conflict.

For its part, Turkey is playing a key role in the Syrian civil war, in this case openly supporting the Sunni opposition. As the EU accession negotiations have progressively ground to a standstill, Ankara has been adopting a new role as a regional and global power that speaks with its own voice, thereby weakening the West's position in the Middle East.

Following the victory of Prime Minister Erdogan's AKP in the legislative elections of 2002, Turkey adopted a new foreign policy designed by foreign minister Davutoglu and dubbed that of *zero problems* with neighbouring states. However, the result is that no progress has been made on the issue of Cyprus, the border with Armenia remains closed, the strategic alliance forged with Israel in the 1990s has been weakened, the Kurdistan conflict has not been resolved, and its ability to influence the Arab uprisings is constrained by the memory of the Ottoman Empire.

Therefore, Turkey's relations with countries closely linked to Russia, such as Greece, Cyprus and Armenia, are tense, and Ankara's positions with respect to Syria are completely opposite to those of Moscow. However, the commercial and energy connections between the two states are so important that diplomatic confrontation has been avoided.

Specifically, Russia is the main supplier of gas to Turkey through the Blue Stream gas pipeline in service in the Black Sea since 2005, with some 23 bcm annually. What is more, Russia imports large quantities of Turkish manufactured goods and produce and is the destination of the trade and investment of its construction companies, and 10% of the tourists who visit Turkey hail from the Russian Federation.[78]

It may be concluded that Turkey is moving further and further away from the EU, even though European integration has been its main goal for decades, and yet it is on very good terms with Russia, despite the historical

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[78]   See Soler, E. and Woertz E.: 'Implications of the Ukraine Crisis for the Middle East', in Notes internacionals CIDOB, no. 87, April 2014. Retrieved from: <http://www.cidob.org/en/publications/notes_internacionals/n1_87/implications_of_the_ukraine_crisis_for_the_middle_east>. [Last accessed: 19 May 2014].

antagonism that led them to fight in twelve wars between 1568 and 1878. This has even led Erdogan's government to consider Turkey's joining the Shanghai Cooperation Organisation (SCO) as an alternative to unlikely EU accession.

Crisis in Ukraine, conclusions and prospects

The whole process studied so far in relation to the EU's CFSP in its eastern neighbourhood has been rocked by the crisis in Ukraine, which was triggered by President Yanukovych's decision not to sign the Association Agreement with the EU during the Summit of the Eastern Partnership in Vilnius (Lithuania) on 28 and 29 November.

Factors and unfolding of the Ukrainian crisis: the role of the EU and Russia

Even at the risk of simplifying a complex problem,[79] the reasons for Yanukovych's decision can be summed up by the fact that Ukraine exports 17 billion dollars' worth of goods to the EU annually, and a similar amount to Russia. However, in the first case more than 5 billion relate to agricultural produce and only 2 billion to manufactured products, whereas Russia imports more than 7 million dollars' worth of materials produced by eastern Ukraine's heavy industry.

If Ukraine were to lift its trade barriers with the EU, Russia would be forced to protect its economy from the mass influx of European products onto its market, as Putin reminded Yanukovych personally a few days before the decision. Ukraine's industrial production would lose its main market, and this loss would not be offset by an increase in agricultural exports to the EU owing to the protectionism of the common agricultural policy (CAP).

In view of Brussels' lack of economic support in adapting the Ukrainian economy to European standards, Moscow offered Kiev tangible advantages with the accords of 17 December: in addition to a 15 billion-dollar loan (which, Russia underlined, was without prerequisites, unlike that offered by the IMF), the main measure was the lowering of the price of gas from 405 to 268.5 dollars per 1,000 m^3, to be revised every four months.

Whereas Russia acted chiefly behind the scenes, without being present on the ground, the EU reiterated that the possibility of signing the agree-

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[79]   On this question, see the collection of articles on the website <www.eurasianet.es>. Retrieved from: <http://eurasianet.es/category/temas/tension-en-ucrania/>. [Last accessed: 22 May 2014].

ment remained open for Ukraine, and many western politicians flocked to Kiev's Independence Square to support the opponents. Brussels furthermore rejected the three-party dialogue proposed by Moscow for seeking a negotiated solution to the crisis.

Following an *impasse* in which the demonstrations appeared to lose force, the first deaths came on 22 January. A few days later, after a tense EU-Russia summit, Putin stated that it was the Ukrainian people who should decide, that Russia was not going to interfere and that in such a situation 'the more intermediaries there are, the more problems'. For his part, Barroso threatened Kiev with sanctions, denying its right to use force to suppress the violent protests.

From this point onwards everything looked set to plunge Ukraine into chaos, as the president had nothing else to fall back on and the opposition was calling for him to step down. The bloody events of Monday 17 February had a death toll of twenty-six (nine of them police). Yanukovych thenceforward alternated erratic attempts at regaining control by force with offers of dialogue that fell on deaf ears.

Finally, dozens of people were killed by snipers in Kiev's streets on Thursday the 20th. The foreign ministers of Germany, France and Poland travelled to Ukraine and, with their mediation, an agreement was signed in the early hours of the 21st whereby the presidential elections would be brought forward to 2014, a national concentration government would be formed and the Constitution of 2004 would be restored.

The fact is that the agreement of the 21st was not respected by the opposition, which toppled Yanukovych (who fled to Járkov), appointed Olexander Turchynov (of Yulia Tymoshenko's party) as provisional president, called presidential elections for 25 May, repealed the law whereby Russian was co-official language in some regions of the country[80] and appointed a new government with Arseny Yatseniuk as prime minister.

This battery of measures was adopted under pressure from the armed militias which had 'hijacked' the uprisings, with deputies of the governing Party of the Regions fleeing from Kiev and others who changed sides to avoid reprisals, and without following the constitutional channels. Even so, the EU gave its backing to the new authorities, while Russia warned of the problems these decisions would bring in a country as divided as Ukraine.[81]

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[80] 26.6% of Ukrainians declared Russian to be their mother tongue in the latest census, though these percentages are higher in the eastern and southern regions; therefore this repeal should be regarded as a sectarian and unnecessary provocation directed at Russophiles.

[81] For a premonitory study on the current events in Ukraine, see Ruíz González, F. J.: 'Ucrania: ¿Rumbo hacia la UE, hacia Rusia, o hacia la ruptura', Documento Marco del IEEE no. 15/20132, 30 October 2012. Retrieved from: <http://www.ieee.es/Galerias/fi-

***Implications of the Ukrainian crisis for the
CFSP in the eastern neighbourhood***

The sequence of events in Ukraine between 21 February and 25 May 2014 is well known, and a detailed study of it falls outside the scope of this chapter: seizure of government buildings in Crimea on 27 February; Putin's authorisation from the Russian Senate to deploy troops in Ukraine on 1 March; the Crimean Parliament's vote in favour of unification with Russia on 7 March; mass vote in favour of Crimean independence on 16 March; Putin's signing of the Accession Treaty on 18 March; signing of the political part of Ukraine's Association Agreement with the EU on 21 March; cancellation of the discount on the price of gas on 1 April; occupation of official buildings in the east of Ukraine and Kiev's launch of an antiterrorist operation between 6 and 8 April; quadripartite agreements (Ukraine, Russia, USA, EU) at Geneva on 17 April;[82] assassination of forty pro-Russians in Odessa on 2 May; secessionist referendum in Donetsk and Luhansk on 11 May; and presidential elections in Ukraine on 25 May, resulting in a victory for the magnate (and fervent pro-West supporter) Petro Poroshenko.

As for the subject of this study, the main consequence of the conflict is the deep crisis into which EU-Russia relations were plunged – a level without precedent since the disappearance of the USSR. And this occurred because Germany and France abandoned their traditional function of moderating the anti-Russian positions of the Union's easternmost partners and decided to act in coordination with the United States in condemning everything Moscow did, whether by action or omission.

It can be considered that the main trigger of the current crisis was the EU's maximalist position regarding the Vilnius Summit: it resorted to the abovementioned 'either with us or with Russia', tying the countries of the Eastern Partnership in an inextricable Gordian knot, as the geopolitical situation of the area makes the price to be paid for severing ties with Moscow too high for most of them, however keen they are for closer relations with the EU.

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chero/docs_marco/2012/DIEEEM15-2012_Ucrania_FJRG.pdf>. [Last accessed: 22 May 2014].

[82]   The agreements envisaged the disarmament of the militias, abandonment of the occupied buildings, an amnesty for the detainees and a constitutional process to federalise Ukraine, in addition to the deployment of an OSCE mission. See Stefano M.: 'Rusia anuncia un acuerdo para el desarme de los grupos separatistas pro rusos en el Este de Ucrania', in El Mundo (17 April 2014). Retrieved from: <http://www.elmundo.es/internacional/2014/04/17/534fa6bf268e3ec5238b456b.html>. [Last accessed: 21 May 2014].

As a result, instead of a united Ukraine with a national concentration go-vernment negotiating the best possible terms for an Association Agree-ment with the EU and with Russia, we now have a Ukraine that has lost Crimea, with a revolution in the southeast regions and economically ruined.

Granted, Brussels got the provisional authorities to sign the political part of the agreement rejected in November. However, this is a Pyrrhic victory that might satisfy the Baltic countries and Poland or provide Germany with a new *lebensraum* for its exports, but it is threatening to destroy the incipient recovery of the euro zone owing to the sanctions being adopted against Russia.

As for the five other participants in the Eastern Partnership, at the Vilnius Summit Association Agreements were signed with Moldova and Georgia (which, in exchange, have lost all hope of recovering their secessionist territories), but it also became clear that Belarus and Armenia are firmly oriented towards the customs union with Russia and that Azerbaijan is uninterested in signing an agreement of this kind as it wishes to focus exclusively on the energy issue.

With respect to the latter, President Putin has sent two letters to his EU counterparts warning them of possible supply problems in the event Ukraine should fail to settle its growing debt to Gazprom. Brussels aims to reduce its dependence on Russian gas, but the 8 bcm that could reach the EU from Algeria across Spain and the MEDGAZ is negligible compa-red to the more than 100 bcm received from Russia, and the supply of liquefied natural gas (LNG), although more flexible, would be at least 40% more expensive.

Conclusions and prospects

The role of the EU in the post-Soviet space has generally been harmed by the lack of coordination of the Commission's activities and those de-cided by the Council. In particular, it has been particularly tricky to find a balance between crisis management pertaining to the CFSP/CSDP, which provides short- and medium-term results, and the measures undertaken by the Commission in the framework of the ENP or EP, whose benefits are more appreciable in the long term.[83]

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[83] 'The launch of a military operation (the 'interventionist' option) in one of these coun-tries would mean the failure of the neighbourhood policy, which builds upon the tradi-tional instruments of financial support, free trade and dialogue.' Diedrichs, U. et al.: 'The European Union as an Actor in Crisis Management: Actions, Aspirations, Ambiguities', in CFSP Forum, vol. 3, no. 4, p. 10. Retrieved from: <http://www.uni-koeln.de/wiso-fak/powi/wessels/DE/PUBLIKATIONEN/texte/Diedrichs_Herolf_Klein.pdf>. [Last accessed: 21 May 2014].

An initial conclusion is that it is necessary to correct this lack of internal coherence, as the EU's main asset is precisely its ability to include a whole array of instruments in a comprehensive crisis management approach and to intervene in all stages (preventive diplomacy, peace-making, reconstruction, etc.). The Treaty of Lisbon and the creation of the European External Action Service should foster progress in this direction.

In relation to the geopolitical situation of the post-Soviet space, particularly that of the frozen conflicts, it should be stressed that Russia found itself forced to intervene alone due to to the inability or lack of interest of the other actors in the Eurasian region at the time. Furthermore, the main goal was to stop the violence, for which purpose Moscow gave priority to achieving ceasefire agreements, even if fragile, and guaranteed their enforcement by deploying its troops.

The problem does not lie in Russia's initial intervention but in the fact that the conflicts have dragged on and that the many international mediation attempts have failed. The presence of Russian peacekeeping troops in separatist territories has thus become a tool for pressuring Moldova or Georgia into not getting too close to the West, and it has sparked tensions as the EU has launched its initiatives in the eastern neighbourhood.

Bilateral relations between the EU and Russia are a key to achieving a common, stable and prosperous neighbourhood. The concerted action of both actors would give rise to a *variable-sum game* in which everyone stands to win; on the contrary, if Brussels and Moscow fail to harmonise their initiatives, we will be dealing with a zero-sum game in which the countries are forced to choose one sphere of influence. Roughly speaking, the first of these scenarios would be desirable, whereas the second is what we have now.

In the concept of foreign policy in 2013, Russia advocating strengthening the strategic partnership with Europe – an idea already expressed by Putin himself in 2012 when he stated that Russia is an inalienable and organic part of 'Greater Europe', that its citizens think of themselves as belonging to the common European civilisation, and that the Federation supports the vision of a strong EU, as promoted by Germany and France, of constituting a common human and economic space that stretches from *Lisbon to Vladivostok*.

From the EU's point of view, relations with Russia have also been a priority since the creation of the CFSP: TACIS programme, Partnership and Cooperation Agreement of 1994, Common Strategy of 1997, Common Spaces of 2003 and Roadmaps of 2005. These documents specify the responsibility shared by the EU and Russia in maintaining security and stability, especially in the common neighbourhood.

In general, 2003 can be considered the high point of the relationship. In December the European Security Strategy stated that 'We should continue to work for closer relations with Russia, a major factor in our security and prosperity. Respect for common values will reinforce progress towards a strategic partnership'.[84] From this point onwards, in order to explain the strategic partnership's deterioration into the current situation, two groups of factors must be considered: those that are exogenous and endogenous to the region.

Prominent among the exogenous factors is the influence of the Colour Revolutions that were promoted by the United States in accordance with its particular global interests and sometimes counterproductive to the region in question. Their impact on Russia was very significant, and so was that of NATO's continued expansion towards Russia's frontiers, which perpetuated the very dividing lines and different security levels that Moscow sought to avoid, Kosovo's unilateral declaration of independence in 2008 and the plans for the deployment of a missile shield in Europe.

As for endogenous factors, the EU's enlargement in 2004 destroyed cooperation with Russia due to differing perceptions between the countries of Old Europe and the new eastern members. Furthermore, the design of the ENP was ill-suited to the post-Soviet space, in 2006 Poland vetoed the negotiations to renew the PCA, and in 2009 the new EP did not take Russia into consideration and its thematic platforms did not match the Common Spaces of 2003.

The statements made in September 2012 by Philip Gordon, assistant secretary of state (and one of the leading US specialists in Eurasia), sum up many of the keys to the current crisis:

> We have not and will not ask Ukraine to choose between East and West, between the United States and Russia. That is a false choice that ignores Ukraine's history and geography. Rather, we want a strong and stable Ukraine that achieves its own goal of European integration and enjoys close relations with all of its neighbors.

It was precisely such a drastic decision that Brussels asked of the participants of the EP at the Vilnius Summit. As a result Eurasia has been split into two blocs and frozen conflicts have re-emerged where ethnic differences, national communities or regions do not agree on the course to follow, as in Trans-Dniester or southeast Ukraine. Both the EU and Russia stand to lose from this clash, but with the difference that Moscow can redirect its focus to the Asia-Pacific area, while Brussels has greater difficulty finding alternative partners with the same strategic importance as Russia.

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[84]   See A secure Europe…, op. cit., p. 13.

The alternative scenario – though it currently belongs to the political fiction genre – would be if the integration process led by Russia in the post-Soviet space, following the entry into force of the Eurasian Union on 1 January 2015, were harmonised as much as possible with the EU model, so that the countries of the common neighbourhood could benefit from a non-mutually-excluding relationship with both Brussels and Moscow. To this end, the priority goal of the CFSP should have been renewing the PCA with Russia based on the Common Spaces and work plans.

In the field of the CSDP, the EU might have offered Russia the possibility of integration in operations of common interest, by establishing formal cooperation mechanisms; identified its shortfalls in military capability integration that could be covered by the Russian armed forces; or offered Moscow the possibility of participating in the 'pioneer groups' for developing those capabilities. The whole of this cooperation framework could be put to the test in solving the *frozen conflicts*, as well as in projecting stability to neighbouring areas such as those of the Middle East mentioned above.

Finally, as regards energy, Russia is a key country for the EU as a supplier, but the European market of 500 million consumers is just as important to Russia; this should make possible a one-to-one relationship that strengthens synergies and establishes strategic cooperation in the long term. The goal would be to create a 'pan-European energy space' with an integrated and functional infrastructure network and transparent, efficient and competitive markets that would guarantee energy security and the achievement of the EU and Russia's objectives of sustainable development.

Annex

Main geopolitical indicators of Russia and the countries of the EU's Eastern Partnership

	Russia	Ukraine	Belarus	Moldova	Georgia	Armenia	Azerbaijan
Size	16,377,742 km2	579,330 km2	207,600 km2	32,891 km2	69,700 km2	29,743 km2	86,600 km2
GDP	2.113,000 M$	175,500 M$	69,240 M$	7,880 M$	15,900 M$	10,440 M$	76,010 M$
GDP per capita	14,831 $	3,692 $	7,206 $	2,200 $	3,221 $	3,411 $	7,867 $
% GDP growth	1.3%	0.4%	2.1%	4%	2.5%	4.6%	3.5%
Population	142,470,000	44,291,000	9,608,058	3,583,000	4,935,880	3,060,631	9,686,210
% population growth	-0.03%	-0.64%	-0.19%	-1.02%	-0.11%	-0.13%	0.99%
Main ethnic groups	Russians (77.7%) Tartars (3.7%) Ukrainians (1.7%)	Ukrainians (77.8%) Russians (17.3%).	Belarusians (83.7%) Russians (8.3%) Poles (3.1%)	Moldovans (78.2%) Ukrainians (8.4%) Russians (5.8%) Gagauzes (4.4%)	Georgians (83.8%) Azerbaijanis (6.5%) Armenians (5.7%)	Armenians (98.1%)	Azerbaijanis (91.6%). Lezgians (2%) Russians (1.3%) Armenians(1.3%)
Religions	Orthodox (15-20%) Muslims (10-15%)	Orthodox: Kyivan Patriarchate (50.4%). Moscow Patriarchate (26.1%). Uniate Catholics (8%)	Orthodox (80%) Other religions (20%)	Orthodox Jews (98%) Jews (1.5%)	Orthodox (83.9%) Muslims (9.9%)	Apostolic Armenian (92.8%)	Muslims (93.4%) Orthodox (4.8%)
Population beneath the poverty threshold	11%	24.1%	27.1%	21.9%	9.2%	35.8%	6%
GINI index	42	28.2	27.2	38	46	30.9	33.7
Military expenditure % GDP	4.47%	2.77%	1.2%	0.3%	2.88%	3.92%	5.2%

Can the same EU Common Foreign and Security Policy be applied to combating piracy in the Horn of Africa and in the Gulf of Guinea?

Carlos Cordón Scharfhausen

Abstract

The first part of this article analyses the situation in Somalia, the root causes of piracy, and how the EU started to be involved in the fight against piracy in 2008, launching the first EU naval operation, EUNAVFOR Atalanta, and approving its strategy for the Horn of Africa (HoA) in 2011. It examines the results of combating piracy between 2006 and 2014, the economic cost of Somali piracy in 2012, and all the initiatives carried out in the HoA under the umbrella of the EU.

The second part of this article takes a look at the situation in Nigeria, the root causes of piracy in the Gulf of Guinea (GoG) and the number of piracy incidents from 2003 to 2013. It also addresses Boko Haram´s home-grown terrorism before examining the major qualitative and quantitative difference between piracy in the HoA and in the GoG.

The last part seeks to answer the question of what actions the EU could take in order to improve the security situation in the GoG, in view of the EU Strategy on the GoG adopted by the Council on 17 March 2014. The main conclusion is that piracy off the Somali coast differs vastly from piracy in the GoG, and that the solutions for combating Somali piracy in the HoA cannot be the same as those for tackling Nigerian piracy and other security risks in the GoG. The conclusions look at the way forward.

The EU's fight against piracy in the Horn of Africa

Situation in Somalia since 2009. Emergence of piracy and its causes

The Horn of Africa is a geopolitical and economic environment that has been of paramount importance since the Cold War. At the start of the twenty-first century, piracy in the area began to reach worrying levels as a threat to international maritime traffic, as it is calculated that these waters are crossed annually by more than 30,000 merchant vessels, mostly transporting commodities between Asia and Europe. It should be borne it mind that oil tankers, container ships laden with multiple goods from Central and East Asia, and ore bulk carriers navigate the waters surrounding the Horn of Africa, and that it is also a fishing area for fleets from many Asian and European countries, some flying the Spanish flag.

In 1960 Somalia gained its independence from the colonial administrations established by the Italians and British in the nineteenth century. At the time it was a highly homogenous country with some nine million inhabitants, most of them illiterate, nomadic farmers who spoke the same language, Somali. They were all moderate Sunni Muslims (Sufis) with the same culture, and belonged to the same ethnic group and therefore, in principle, seemed to have everything in their favour to achieve national integration as a state. However, the
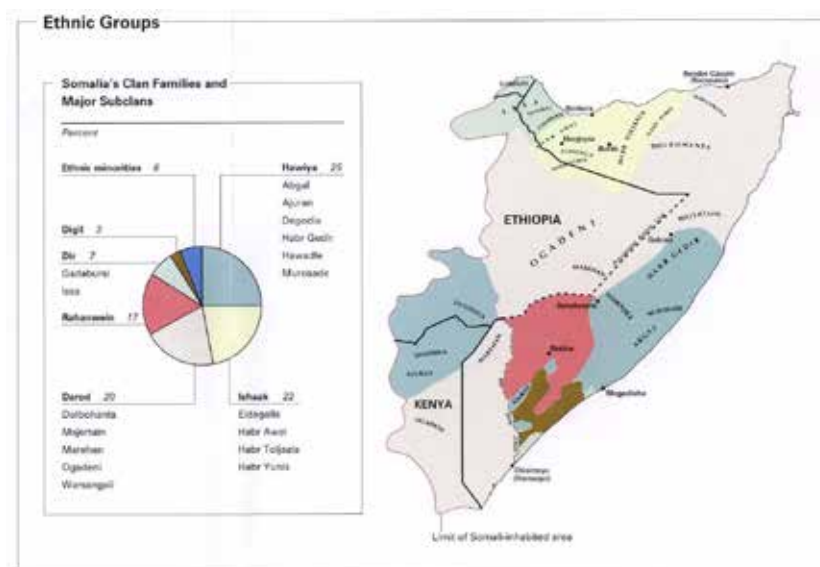
Figure 1. Ethnic groups in the Horn of Africa. Somali clans. Source: http://www.lib.utexas.edu/maps/africa/somalia_ethnic_grps_2002.jpg

cohesion factor among Somalis is clan membership, each of which is governed by its respective council of elders. The Somali people are divided into ten or so clans (Darod, Hawiye.), which are divided in turn into many subclans (see figure 1), meaning that cohesion only exists at the local level.

What is more, the confrontational dynamics of the Cold War sparked an influx of Russian weapons to clans that appeared to have links to the USSR, and this, in turn, prompted the United States to supply weapons to support other rival clans. As a result, practically any Somali man owned weapons as a symbol of power and for self-defence. In addition, the heads of each clan became warlords and 'protectors' who exerted their influence and provided 'security' in a particular part of the territory, imposing 'taxes and duties'. They also engaged in extortion against those who did not belong to their own clan.

Mohamed Siad Barré governed Somalia tyrannically and despotically from 1969 until 1991, the year he was overthrown by the clan chiefs, who began to fight among themselves for anything that could provide them with financial gains. This triggered chaos and the collapse of the central and regional governments and unleashed all kinds of atrocities such as robbery, armed assault, murder, rape, sale of weapons, drug trafficking, networks of illegal immigrants bound for Yemen…

In the southern areas of Somalia and its ports, such as Kismayo, where there were possibilities of controlling and benefitting from trade, such as charcoal, sugar or livestock, the chief of each clan 'administered' all the legal trade conducted within his territory.

After the Cold War, the powers abandoned Somalia to its fate and it was occupied by small Wahhabi Arab groups – highly radical Sunni – who began to fill the country with Koranic schools.

Given the absence of any law or government, the Somali people actually welcomed the implementation of the sharia (Islamic law), as at last thieves were arrested and murderers brought to justice. The Union of Islamic Courts was thus established and at least succeeded in imposing a certain amount of law and order, albeit locally.

Another consequence of misrule in Somalia was the de facto independence of the whole northern and north-eastern part of the country and the creation of a certain regional administration in Somaliland (the area formerly under British influence opposite the gulf of Aden and adjacent to Djibouti) and Puntland (in the Horn of Africa, an area formerly under British and Italian influence). The Galmudug region in the centre of the country also developed its own administration and police (See figure 2).

Figure 2. Control of the autonomous regions of
Somalia in 2012. Source: http://www.tothepointnews.
com/images/stories/2012/somalia_map.png

It was from 2005 onwards that Somali pirates became omnipresent in the waters of the Horn of Africa. This was a direct consequence of more than two decades of misrule and failed statehood in Somalia, which was torn by a bloody civil war between clans and between moderate and radical Islamists. If to this we add the notable weakness of the few institutions that survived, widespread corruption capable even of taking advantage of humanitarian aid and the fierce struggles between the warlords of each clan and faction for power and control over large areas of territory, it is hardly surprising that piracy should have become a lucrative business for many Somalis living in arid northern areas (Puntland) and the centre (Galmudug region) of Somalia, where the scant fisheries and livestock were merely subsistence activities owing to the shortage of roads, transport and commercial development. This explains the existence of pirate bases in Eyl, Haradhere and Hobyo...

What is more, the total absence of any kind of administration in the centre and north of Somalia, especially its Indian Ocean coast, drove a few fishermen, impoverished by the dearth of trade, and even members of Somalia's former coastguard and security forces to join a complex web of small organised criminal groups that were beginning to spring up with the aim of making money from piracy in the Gulf of Aden and the western Indian Ocean.

These activities were made possible by the existence, off the Somali coasts, of a large number of unprotected 'accessible' vessels (i.e. with a relatively low freeboard, such as oil tankers or bulk carriers), most of which were moving slowly at 'economy' speed or were even at a standstill, such as fishing vessels when they bring their nets in.

Piracy is a business with a low equipment cost for local clan chiefs and extremely high returns; the 'labour' – the pirates – consists of people who live in complete and utter poverty, drowsy from the consumption of *khat*[1] and with no future prospects. They are willing to assume the highest risks, even loss of their lives, for the sake of escaping from their extreme misery.

Misrule throughout the Somali coasts contributed to the impunity of the pirate chiefs, who established their bases and anchorages in the central and northern area, where they could keep their hostages for very long periods, even years, while they negotiated the ransom payments – for crew members, if they were westerners, and for the cargoes of vessels considered to be valuable, such as those of general cargo ships or oil tankers.

Yachts were captured merely to demand ransom for their crews. Fishing, whaling and smaller vessels, such as the traditional dhows (see photograph 1), joined the fleet of supply ships that enabled the pirates to operate at significant distances from the Somali coasts, even during the monsoon period.

Photograph 1: Dhow with Somalian pirates towing a skiff.
Source: http://c-level.us.com/ms-skiff.jpg

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[1]   Plant containing natural amphetamine and accordingly considered to be a drug by most EU Member States, though not by the United Kingdom, Somalia or many of its neighbours such as Kenia and Djibouti. Trafficking in khat is the main source of income for many clan leaders.

2006 saw the establishment of the Supreme Council (Shura) of the Islamic Courts (SCIC), on which practically all the most important Somali clans and subclans were represented. A brief six-month interval of peace and order was achieved throughout Somalia and the sharia was implemented. This period witnessed the lowest number of pirate attacks in the whole decade, because the Shura had declared piracy to be contrary to the sharia. Indeed, the militias of the Union of Islamic Courts even attacked and dismantled the pirate bases in Hobyo because they interfered with regional maritime trade in which dhows were used.

Ethiopia, which has a mainly Coptic Christian population[2] but a Sunni Muslim minority and territorial problems in the border region of the Ogaden, invaded Somalia in 2006 with the military support of the United States, concerned by what it regarded as the Islamist leanings of the SCIC, which might be taken as a model by Ethiopian Sunni or lead radical Islamism to be exported outside Somalia. However, all the Ethiopian government achieved was to intensify the Somali people's hatred of the West and of Ethiopians. The invasion triggered a rebellion of almost all Somalis (sparking the formation of the ARS, Alliance for the Reliberation of Somalia), and Al Shabab was established by the most radical elements. A transitional federal government (TFG) for Somalia of clan chiefs and their armed militias was set up with the support of the international community and the Ethiopian military, but proved barely capable of controlling some districts and part of the port of Mogadishu. The SCIC split into several factions that were Islamist to some extent, such as the abovementioned ARS, Hizbul Islam, Islamic Front of Somalia (JIS), Ras Kamboni Brigade, and the most radical joined the ranks of Al Shabab, which fought fiercely against the Ethiopians in Mogadishu.

With the support of the UN (Security Council resolution 1744 of 20 February 2007), the United States, the EU and the United Arab Emirates, among others, as well as the African Union established a mission in Somalia – a military peace making force – called AMISOM (African Union Mission in Somalia), with initial forces of 3,400 men, the lion's share from Uganda and a small contingent from Burundi. This allowed the Ethiopian forces to withdraw from Mogadishu in January 2009, though they remained on Somalian territory, close to the border.

But anarchy continued in Somalia with the TFG, which did not succeed in recovering territory from Al Sahab – not even in Mogadishu itself, which was mostly in the hands of the clans and radical Islamist militias for whom the sparse and disorganised forces of the Somali TFG were no match. These circumstances prevented or hindered the arrival of humanitarian aid, especially that of the World Food Programme (WFP), to the whole of Somalia's central and southern regions.

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[2]   The term 'Copt' applies to Egyptians who profess some kind of Christian faith.

Along with the famine and horrors of the civil war among clans in Somalia we must include the recurring famines and all kinds of epidemics and diseases triggered by the prolonged periods of drought, many followed by sporadic torrential rains that converted dried-up streams into uncontrolled rivers of mud that lay waste to everything in a matter of hours.

Involvement of the EU in the Horn of Africa and Somalia. Period from 2008 to 2011

Given the alarming rise in piracy in the Horn of Africa, the number of vessels captured (some flying European flags or European operated), [3] the very high-profile case in June 2008 of the pirates' capture of the merchant vessel *Faina* carrying 33 Russian T-72 combat tanks to Kenya, the consequent raising of maritime insurance premiums for vessels sailing through the Gulf of Aden and off the coasts of Somalia, and the boundless deterioration of the security and humanitarian situation in Somalia, it is not surprising that UN Security Council resolution 1816 of September 2008 urges the international community to take measures against piracy.

The EU decided to create EUNAVCO as an action of the European Security and Defence Policy (ESDP). EUNAVCO, the EU's 'Naval' Coordination Cell, was set up for the purpose of exchanging maritime information on piracy in the Horn of Africa with a large number of international agencies and organisations, such as the International Maritime Organisation (IMO), the International Marine Bureau, the Department of Peacekeeping Operations (DPKO) and the WFP of the UN, and the newly created SAGMAS[4] and the Maritime Security Committee (MarSec).

The EU Council appointed the Spanish Navy Captain Andrés Breijo to lead EUNAVCO. Despite having only a minimal team of collaborators,[5] he gave the EU cell great visibility and efficacy until its coordination duties were transferred, once the Northwood Operational Headquarters (OHQ) were activated in December 2008, as the OHQ of the newly launched operation EUNAVFOR Atalanta. Atalanta, the EU's first naval military operation, was an initiative of France (which then held the rotating six-month Presidency of the Council) and Spain, which contributed the central core of escort vessels and maritime patrol aircraft[6] needed to achieve a real operational capacity in such a remote and vast setting.

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[3]   The trigger for EU involvement in combating piracy, at the petition of Spain and with the support of France, was the capture of the fishing vessel Playa de Bakio.
[4]   Stakeholder Advisory Group on Maritime Security.
[5]   One French Frigate captain and one Cypriot Corvette Captain.
[6]   Spain had already deployed the Orión detachment operating under national command, which was transferred to operate in the framework of Atalanta.

This naval initiative of the EU promoted the active involvement of other naval powers such as the United States (its 5th Fleet leading and forming the core of the TF 250 anti-terror and the TF 151 anti-piracy international naval forces), Russia, China, India and even the United Kingdom (UKMTO) acting autonomously, seeking to carve out a position in this environment on which the world geo-economy hinges. NATO itself also decided to become involved through operation Ocean Shield, resulting in the biggest naval presence in the Indian Ocean in history.

However, from the start of operation Atalanta at the beginning of 2009, the EU was aware that the military operation only attacked the symptoms of piracy and did not get to the root of the problem – which, as stated above, is misrule and anarchy in Somalia – even though the UNSC resolution authorised it to combat piracy in Somalia's territorial waters and even off the coast. Therefore, the ultimate goal established was to strengthen the country's transitional federal government (TFG) as a means of bringing peace to Somalia along with reconciliation, reconstruction and the progressive reunification of the country, and the creation of institutions and a government unsullied by corruption and capable of gaining control of its own territory.

Development cannot take place without security, and the EU therefore decided to apply the comprehensive approach of its ESDP to fighting piracy – a complex issue that requires the use of political instruments, diplomatic efforts, military, security and legal actions, development assistance, humanitarian assistance and considerable international coordination as the only effective means of addressing simultaneously the symptoms and deep-rooted causes of the problem, very especially in the framework of the UN by promoting and adopting its Security Council resolutions on piracy in Somalia.

The Contact Group on Piracy off the Coast of Somalia (CGPCS) was set up in 2009 as an international cooperation mechanism that provides a point of contact between the affected stakeholders and the contributors, international organisations, industrial or economic groups affected, in all relevant aspects of combating piracy. The EU and its Member States play an active role in the plenary sessions and working groups of the CGPCS: for military coordination and coordination of the development of regional capabilities, legal aspects, self-protection measures, policy of public dissemination and investigation of flows of funds. In 2014 the EU is holding the presidency of the Contact Group, which is exercised by the deputy secretary general of the European External Action Service (EEAS) Macej Popowski.

In 2009 the Dijibuti Code of Conduct was signed under the aegis of the IMO, and the regional strategy and action plan against piracy and for maritime security in the eastern and southern Africa-Indian Ocean region

was adopted in Mauritius in 2010 as a means of ensuring that the states in the region become stakeholders in the EU's actions.

Also in 2010, the Puntland Maritime Police Force (PMPF) was established using funds from the United Arab Emirates and a new prison was built using funds provided by the United Nations Office on Drugs and Crime (UNODC).[7]

The EU's strategic framework for the Horn of Africa

The strategic framework was adopted by the EU Council of Ministers on 14 November 2011. To quote Ashton, the EU High Representative for Foreign Affairs and Security Policy and vice-president of the Commission (HR/VP),[8] the EU desires, 'First of all to support the people of Somalia and the region and to recognise that many people are suffering from this terrible famine. That also means we have to support the World Food Programme and to continue our mission [sic] called Atalanta, which enables escorts of ships to provide an insurance that the food will actually arrive, by dealing with piracy in the region. It's also important in the general way in which we can help to support trade and shipping in that region. But building the peace on land and helping to develop the economy will provide the best way of dealing with issues of piracy, and working collaboratively with different countries from the region.'[9]

As stated earlier, the EU's involvement in the Horn of Africa can be explained by the region's geostrategic importance, the EU's longstanding engagement with several countries in the area, its involvement in the fight against piracy since 2008, its wish to help lift the people from poverty into self-sustaining economic growth, and also its need to protect its own citizens from security threats.

The EU's strategic framework for the Horn of Africa is intended to guide the 'multisectorial' (with a comprehensive approach) engagement of the EU in the region by working with local stakeholders, particularly the AU, and other key international partners (especially the United States, though it is not named). It defines five priorities for the EU's action: building robust and accountable political structures, contributing to conflict resolution and prevention, mitigating security threats emanating from the region, promoting economic growth, and supporting regional economic cooperation.

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[7]   United Nations Office on Drugs and Crime.
[8]   COMM-SPP-HRVP-ASHTON@ec.europa.eu A 455/11 'Remarks by HR Catherine Ashton following the Foreign Affairs Council', 14 November 2011.
[9]   The following paragraph expressly mentions 'from India through to Kenya, Tanzania, Mauritius, Seychelles and so on'.

An example of this regional approach encouraged by the EU can be seen in November 2011,[10] when a new naval base was opened in the Seychelles for the main purpose of boosting the efficiency of the fight against piracy, which was seriously affecting the island's tourism and fisheries industry. The construction of the new naval base had been fully funded (15 million dollars) by the United Arab Emirates (UAE), whose Sheikh Califa bin Zayed had furthermore donated five of the seven coastguard vessels of the Seychelles. A few months earlier, in August 2011, the security forces of the TFG – part of them trained by the EU (EUTM Somalia) in Uganda – and AMISOM[11] managed to recover the districts of Mogadishu that were under the control of Al Shabab, though it remained capable of carrying out terrorist attacks in Mogadishu.

In order to coordinate all these efforts, those of the EU and regional endeavours, the EU appointed Alexander Rondos as its special representative for the Horn of Africa on 1 January 2012.

Under pressure to change from the donor nations the UN, the EU and also the United States, the mandate of TFG, (which had been constantly accused of corruption since its establishment in 2007 and extended by one year in 2011), finally expired in August 2012, giving way to the first federal government of Somalia (FGS). The new provisional constitution was ratified by the newly created Constituent Assembly, which had been elected by a Council (Shura) of Elders from the different clans.

Kenya, which had invaded southern Somalia at the end of 2011, supported by the pro-TFG militia of the Ras Kamboni clan led by the warlord Ahmed 'Madobe', succeeded in ousting Al Shabab from the important (on account the charcoal and sugar trade) port of Kismayo in 2012, and Madobe took over local government. In the middle of 2013, the Council of Elders of the Ras Kamboni clan elected Madobe as president of Jubaland, a self-declared 'semi-autonomous' region backed by Kenya. Jubaland spans the regions of Lower Juba, Middle Juba and Gedo that border on Kenya and is recognised by the important African regional organisation IGAD (Inter-Governmental Authority on Development). This places the federal government of Somalia (FGS) in a very awkward situation, as it now has facto control of or governs a minimal part of Somalia that does not include the autonomous regions of Somaliland, Puntland, Galmudug and Jubaland, each of which has its own militias and even intelligence services.

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[10]   Europe Diplomacy & Defence (EDD), Brussels: The Agence Europe Bulletin on CSDP and NATO no. 465, 22 November 2011.

[11]   Thanks to the gradual increase in the contributions of military and police, who in 2013 numbered 17,270 troops in AMISOM: 6,230 from Uganda, 5,430 from Burundi, 4,650 from Kenya and 960 from Djibouti.

Results of the fight against piracy in the Horn of Africa from 2006 to 2014

According to data supplied by the IMB (International Maritime Bureau), the number of piracy incidents off the coast of Somalia and in the Gulf of Aden amounted to 20 in 2006, 44 in 2007, 111 in 2008, 194 in 2009, 192 in 2010, and a maximum of 237 in 2011, with a sharp drop to 75 in 2012, and 13 – the lowest number in the whole period analysed –in 2013, a year in which pirates did not manage to capture a single vessel. Only five incidents were reported in the first quarter of 2014.

More recently, on 17 April, an oil tanker was attacked on entering the Gulf of Aden, but the pirates called off the attack and fled when threatened by the private security team on board the vessel.[12]

These good results in fighting piracy stem from the progressive implementation and strengthening of measures promoted by the international community, beginning with the exchange of information, (especially at the SHADE meetings),[13] coordination (EUNAVCO), establishment of an Internationally Recommended Transit Corridor (IRTC) through the Gulf of Aden, the creation of three international anti-piracy naval forces (Eunavfor Atalanta, NATO Ocean Shield, and the TF-151 led by the 5th Fleet of the United States), and the prosecution and handover of pirates in countries in the area (Puntland, Kenya, Seychelles, Tanzania…) or in the countries whose flag the attacked vessels were flying (USA, Spain…).

A further factor that has contributed to the success is the implementation of a series of protocols and preventive measures – known as Best Management Practices (BPM) – by the vessels that navigate the area, such as increased transit speed, the creation of safe rooms ('citadels'), high-pressure water hoses, razor wire around the rail, etc., embarkation of military protection teams called VPDs (Vessel Protection Detachments) in vessels operated by the WFP or AMISOM *(African Union Mission to Somalia),* but above all the Spanish initiative, highly criticised at the beginning by many nations and the IMB itself, of carrying armed private security teams (with 'military' weapons) of the flag nation. This practice has ended up being adopted by nearly all the nations owing to the impressive statistics: no vessel carrying a team of PCASP[14] has been attacked by pirates, a fact that has recently led the IMO to develop a guide for operators and maritime companies, as well as recommendations for states on the use of the aforementioned privately hired security personnel.

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[12] ED&D no. 696, 29 April 2014, p. 2.
[13] ED&D no. 696, Shared Awareness and Deconfliction (SHADE) meetings, 29 April 2014 p. 2.
[14] Privately Contracted Armed Security Personnel.

Costs of fighting piracy in the Horn of Africa in 2012

There is an organisation called Oceans Beyond Piracy[15] which produces a very interesting annual report on the costs to the global economy of maritime piracy. Its reports are used as a reference by prestigious information and intelligence companies when dealing with the costs of piracy, for example IHS (Information Handling Services)[16] in *Jane´s Intelligence Review*.

The report on the economic costs of Somali piracy in 2012[17] examines their variation with respect to the previous year, 2011. It records a fall of 12.6% from 7 billion dollars in 2011 to 6 billion in 2012, with the following breakdown of items in decreasing order of cost during 2012:

1) *Security equipment and privately-hired armed guards:* 29% of the total, nearly 2 billion dollars, with a very significant increase with respect to 2011 owing to more widespread use of privately contracted armed security personnel (PCASP).

2) *Costs associated with increasing vessel speed to prevent pirate attacks:* 27% of the total, some 1.53 billion dollars, with a fall of 43% with respect to 2011 owing to lower observance of the recommendation as a result of the perception of a lower risk of Somali piracy in 2012 with respect to 2011.

3) *Cost of military operations:* 19% of the total, with a cost of 1.09 billion dollars (compared to 1.27 million in 2011) including the cost of operating maritime patrol aircraft, UAV, VPD..., and even the administrative costs of the headquarters, command and control assets and expenses of the SHADE meetings.

4) *Costs of the insurance premiums associated with piracy:* 10% of the total, amounting to some 551 million dollars, 13% less than in 2011 as the premiums have been lowered for vessels that carry private security teams (PCASP), which had an increased presence in 2012.

5) *Payment of 'labour' costs:* such as bonuses for navigating in high-risk waters, and, in the event of being captured by pirates, the company continues to pay the captives' salaries; these costs account for 8% of the total and 472 million dollars were paid in 2012.

6) *Rerouting to avoid high-risk zones:* vessels' courses are altered to avoid these areas or steer them to corridors with greater surveillance and protection such as the IRTC. In 2012 they accounted for 5% of total expenditure and 290 million dollars, falling by more than 50% with respect to 2011, with the observation that in 2012 only

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[15]   See the Internet portal: <www.oceansbeyondpiracy.org>.
[16]   See the Internet portal: <www.ihs.com>.
[17]   See the Internet portal: <www.oceansbeyondpiracy.org/publications/economic-cost-piracy-2012>.

vessels considered highly vulnerable and valuable (oil tankers and bulk carriers) were rerouted.

7) *Costs of ransom payments, negotiators, lawyers, consultancy firms and reparation of damage caused to the vessel during captivity*: less than 1% of the total. In particular, ransom payments totalled only 32 million dollars – a fall of 80% with respect to 2011 which is attributed precisely to the few vessels that were captured and freed in 2012. These costs totalled 63.5 million dollars.

8) *Expenses of funding counter-piracy organisations* (ranging from UN agencies to various NGOs): 24 million dollars in 2012.

9) Lastly, *expenses associated with courts that prosecute cases of piracy and imprisonment:* some 15 million dollars in 2012.

Trends and outlook for the costs of fighting piracy in the Horn of Africa.

Summing up the costs of fighting piracy in 2012 compared to those of 2011, although the very positive aspect is the year-on-year decrease of more than 12%, the fact is that such a sharp drop in piracy incidents in the Horn of Africa in 2012 has caused the cost 'per incident' to soar to three times as high as in 2011. Therefore security measures will probably be eased in the short and medium term in order to continue to bring costs down owing to the perception of a lower risk. However, this could spark a new outbreak of piracy, as it is impossible to completely wipe out, and as there will always be ships sailing these seas, there will also be a possibility of it re-emerging in depressed areas without governance or control, such as the case of Somalia. Unfortunately, it will take a new hijacking in the waters off the Horn of Africa for vessels to again put up their guard.

The EU's actions in fighting piracy in the Horn of Africa[18]

This section provides an overview of all the actions and main initiatives carried out under the umbrella of the EU. It does not list direct contributions or possible initiatives of the EU Member States outside the 'umbrella' of the Union.

1) *Containment and fight against piracy: operation EUNAVFOR Atalanta*

As stated, the operation was launched in December 2008, with the following mandate:

- To protect and escort WFP vessels delivering food and aid to displaced persons in Somalia and protect AMISOM shipping;
- Deterrence, prevention and repression of acts of piracy and armed robbery at sea off the coasts of Somalia;

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[18]   Factsheet 131223/03. The EU fight against piracy in the Horn of Africa. Brussels, 23 December 2013. Retrieved from: <www.eeas.europa.eu>.

- Protection of vulnerable shipping[19] off the coast of Somalia, on a case-by-case basis;
- Monitoring of fishing activities off the coasts of Somalia.[20]

The common costs amount to some eight million euros, not including the voluntary contribution of the Member States in terms of warships (between four and seven) and maritime patrol aircraft (three or four) – and their associated costs – deployed to the south of the Red Sea, Gulf of Aden and West Indian Ocean, including the Seychelles, in an area equivalent to the whole of the EU.

To cite an example, in 2012 alone Spain's participation in Atalanta cost it some ninety million euros.

The operation's headquarters (OHQ) are in Northwood, and only France and Spain contribute regularly with escort vessels and maritime patrol aircraft. Since its launch, the protection of the vessels operated by the WFP and AMISOM has had a 100% success rate. So far, 149 Somalis suspected of piracy have been arrested and handed over to justice. In 2013, four groups of Somali pirates were dismantled by Atalanta.

2) International judicial cooperation for putting an end to impunity

The EU has signed agreements on the transfer of suspect pirates with the Seychelles in 2009, Mauritius in 2011 and Tanzania on 10 March 2014.

At the beginning of 2009 it made a few transfers to Kenya, but these countries were not prepared for the complexity and workload that transferring suspect pirates involves, and therefore in May 2009 a joint EU-UNODC programme worth 3.6 million euros for supporting Kenya's judicial system for two years was launched. However, in the end it was not possible to sign the agreement with Kenya and transfers are currently made on a case-by-case basis.

The Seychelles and Mauritius received an aid programme worth 780,000 euros and 1.08 million euros respectively. The EU and its Member States are the biggest contributors to the UNODC's counter-piracy programmes.

Putting an end to the impunity of pirates and, accordingly, allowing them to be arrested and tried, is a key component of the fight against piracy. Some 1,200 suspects are currently being prosecuted in twenty-one countries, among them EU Member States such as Spain, which includes piracy in its penal code. Nevertheless, about 90% of the pirates arrested

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[19]   Several Member States opposed the express mention of fishing vessels.

[20]   To please those who gave as an excuse for the existence of piracy the fact that all Somalia's fishing grounds had been 'exhausted' by foreign fishing vessels – which was true of Indian Ocean countries such as Yemen, Iran and Pakistan but was not the case of the EU fishing vessels that fished much further away from the coast than 200 miles, even though Somalia had not declared an exclusive economic zone.

have had to be released, some several times, because they could not be prosecuted as no country accepted them.

The EU is also actively supporting the establishment of a mechanism for cooperating in the criminal investigation of instigators, financial flows etc. with very close collaboration between Europol and Interpol, which receive relevant information directly from EUNAVFOR Atalanta.

3) *Regional maritime capacity building*

In July 2012, the EU launched EUCAP Nestor, a new 'civilian' CSDP mission but with the support of military experts and aimed initially at boosting the maritime capabilities of four countries in the region: Djibouti (mission headquarters), Kenya, the Seychelles and Somalia (the development of a coastal police force in the regions of Puntland and Somaliland). The intention is to extend EUCAP Nestor's support to Tanzania whenever possible.

Complementary programmes were also started up using EU funds, such as the Critical Maritime Routes programme and MARSIC, which supports maritime security in the region by increasing the information that is shared and bolstering training capabilities. It has been endowed with 6 million euros and includes assistance in establishing a regional training centre for maritime affairs in Djibouti and a centre for the exchange of regional maritime information in Sana'a (Yemen).

Another project, to which 37 million euros have been earmarked, is the MASE (Maritime Security) programme for developing a strategy for addressing piracy in Somalia: boosting judicial capabilities for arresting, transferring, detaining and prosecuting suspect pirates; and improving national and regional capabilities in maritime security functions including surveillance and coastguards.

Lastly, several programmes are designed to combat illegal or unregulated fishing in the Indian Ocean, such as the regional fisheries monitoring plan in the Southwest Indian Ocean, funded by the European Commission with 10 million euros, to contribute to the conservation of tuna, and the 20-million-euro programme currently underway called SmartFish for achieving a sustainable Somali fisheries industry.

4) *Exit strategy: Stabilisation of Somalia through political, security and development assistance. Coordination of the EU's action*

The EU is convinced that only through the establishment of the law and economic development in Somalia can organised crime be eradicated, and its commitment to helping overcome the crisis in Somalia is therefore lasting, covering political, security, development and humanitarian aspects.

Since 2008 the EU has become Somalia's biggest donor, contributing nearly 500 euros for governance, security and economic growth. Part of these funds has gone to shoring up the fisheries industry and helping the coastal communities, in order to tackle the root causes of piracy.

Also very important is the assistance provided by the EU to developing Somalia's security capabilities so that the federal government exercises its responsibilities, providing security to the population. The EU trains and pays the Somali police and since 2007 it has provided very significant financial support to the AU peacekeeping mission in Somalia (AMISOM) with more than 420 million euros.

At the beginning of 2010, during the Spanish presidency of the EU the CSDP military mission (EUTM) to train the security forces of Somalia was launched with Spain as the framework nation and Colonel Ricardo González Elúl as its first commander. More than 3,200 soldiers and a few Somali officers were trained in Uganda and, as security conditions in Mogadishu improved, the mission moved its headquarters from Kampala to Mogadishu at the beginning of 2014.

All these EU actions in support of Somalia are coordinated through ongoing talks with the federal government and other authorities in Somalia as the most effective means of eradicating and combating piracy in the Horn of Africa.

One of the instruments activated[21] as a result of the EU's intervention in the Horn of Africa is the EU Operations Centre for CSDP missions and operations in the Horn of Africa (EU OPCEN, belonging to the EU Military Staff, EUMS), designed to provide a response to the need for improved coordination between the operation and the two CSDP missions activated in the area (EUNAVFOR Atalanta, EUTM Somalia and EUCAP Nestor), and in the context of the 'Strategic Framework for the HoA'.[22]

Navy captain Francisco Cornago was appointed as head of the EU OPCEN on 23 March 2014, and another three Spanish officers have been commissioned to the EU OPCEN, prominent among whom are Commander Parente, as the Action officer of Atalanta, and Major Caselles as head of the Support Cell.

The duties of the EU OPCEN include planning support, facilitating coordination between missions and the operation, improving synergy between

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[21]   Council Decision 2012/173/CFSP on the activation of the EU Operations for the Common Security and Defence Policy missions and operation in the Horn of Africa. 23 March 2012.
[22]   Council Conclusions on the Horn of Africa (3124th FOREIGN AFFAIRS Council meeting). Brussels, 14 November 2011.

them and facilitating interaction with the Brussels structure. Since its activation, the centre has steadily gained significance among the EU institutions, which recognise its growing role in backing the EU's overall effort in the Horn of Africa. Highly valuable progress in this connection is the establishment of a liaison officer of the OPCEN in the European Commission's Cooperation and Development Directorate-General (DG DEVCO), a division that runs important projects in the Horn of Africa, among them the MASE (Maritime Security) project. The added value provided by this liaison is a major milestone in civil-military cooperation in the EU's external action.

Another of the developments capable of providing added value and generating greater synergy in the comprehensive action is the Internet portal SCOPE HoA (EU Synergies and Coordination Portal),[23] which OPCEN has developed and made available to the actors involved in the region in order to disseminate knowledge of the EU's comprehensive action.

On the national level, coordination is carried out through the maritime surveillance and operations centre (Centro de Operaciones y Vigilancia de Acción Marítima, COVAM) in Cartagena. The centre reports to the admiral of the Maritime Action force and provides the commander of the Command for Operations (Mando de Operaciones, CMOPS) and operation Atalanta's OHQ in Northwood with information on maritime traffic in the Joint Operations Area (JOA) of the Horn of Africa in order to contribute to the maintenance and updating of MSA (Maritime Situational Awareness), including all the warships in the area, and the merchant, fishing and sports or leisure vessels flying the Spanish flag or linked to national interests, as well as the situation of vessels captured by pirates and vessels declared to be suspicious.

The COVAM liaises directly with the Directorate General of the Merchant Marine, the Secretariat General for the Sea, and associations of owners and operators of vessels flying the Spanish flag or linked to national interests, providing information and advice for operating in or crossing the area. It is also directly coordinated with the Northwood OHQ's Maritime Centre Horn of Africa (MSCHOA) for the exchange of information and transfer of consolidated data of the COVAM, and for communicating requests for information or support received from merchant ships flying non-Spanish flags or not linked to national interests.

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[23] Includes a database with EU-funded activities, CSDP calendars, maps, weekly security briefs, etc. The website, belonging to the intranet of the EEAS, will be accessible through the Internet to those with ID and is intended as a source of reliable and up-to-date information. In the coming months OPCEN personnel will pay particular attention to updating and maintaining it.

Differences between piracy in the horn of Africa and in the Gulf of Guinea

Gulf of Guinea. Situation of Nigeria. Emergence of piracy and its causes

Geographically, the Gulf of Guinea bathes the coasts of the following states: Liberia, Ivory Coast, Ghana, Benin, Togo, Nigeria, Cameroon, Equatorial Guinea, Gabon, and Sao Tomé and Principe. What is more, the Niger delta, the largest basin in the planet, has created two inland gulfs: that of Benin to the northwest and that of Biafra to the southeast (see the map in figure 3).

Figure 3. Gulf of GuineaSource: http//es.wikipedia.org/wiki/Golfo_de_Guinea

The region is very rich in natural resources that include large reserves of hydrocarbons and natural gas, fisheries, cocoa, fine woods, diamonds, uranium and strategic minerals such as iron, manganese, bauxite, cobalt and coltan, which are exported to all over the world. Therefore, the Gulf of Guinea is currently one of the areas of great geostrategic and economic importance – especially to the United States and Europe – which has witnessed a significant increase in maritime traffic with both continents owing to its relative closeness as a supplier of commodities in comparison to Asia.

Nowadays the United States imports 15% of its crude oil from the Gulf of Guinea, and many EU Member States are diversifying their sources of oil and liquefied gas by importing them from the region,[24] in Spain's case from Gabon. Nor has the economic importance of the region gone unnoticed to emerging powers such as China and Brazil, which have a strong presence in the region, despite the many major security threats

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[24] According to the European Commission, the Gulf of Guinea represents 13% of the oil imports and 6% of gas imports of the EU (EDD no. 574, 17 January, p. 4).

posed by all the countries in the area; indeed, it may be affirmed that the Gulf of Guinea is currently one of the most insecure maritime areas in the world.

The central country of the Gulf of Guinea is Nigeria, and all existing piracy has its root causes in Nigeria; therefore, we should focus on this country in order to compare it with Somalia and see the differences in the fight against piracy, though the whole Gulf of Guinea area is riddled with security threats. Nigeria is furthermore the regional military power and has used its military forces in peacekeeping operations of the UN,[25] the AU and ECOWAS,[26] as well as bilaterally with other African countries.

A factor common to all the countries of the region is the existence of territorial claims and pro-independence movements, which are rooted in the decolonisation processes in Africa. These processes failed to respect ethnic, cultural, linguistic or religious divisions, as the frontiers were established in a totally arbitrary manner based on the decisions of the former colonial power.

The whole region is also plagued by organised crime, drug trafficking (cocaine from South America and heroin from Asia), trafficking in people (women and children), illegal immigration on its way to Europe, arms trafficking and the presence of Islamist terrorism. Among other ills, corruption at all levels of government and in the armed forces and police, lack of security (extortion, robbery, attacks, murders are very common), impunity, and social and economic injustice are common to all the countries.

Nigeria, which is double the size of Spain, is Africa's most populated country with an estimated more than 175 inhabitants. It is a country with a broad diversity of ethnic groups (some 250), languages (more than 500) and religions (Muslims, Catholics, Anglicans, Evangelical Christians, etc. and animists). The majority ethnic group in the whole of the northern part of the country is the Hausa Fulani – an Arab culture of chiefly Muslims, though there is a Christian minority – whose language is Hausa (Arabic rooted). However, the northwest (especially the state of Borno) is home to the important ethnic group of the Kanuri – Muslims of Nilo-Saharan origin, who speak Kanuri, which is also the majority language and ethnic group in southeast Niger, the east of Chad and northeast of Cameroon (see figure 4).

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[25]   UNMIL in Liberia, UNOCI in Ivory Coast, MONUSCO in DR Congo, UNMISS in South Sudan, UNAMID and UNISFA in Sudan, and seven observers in MINURSO (Western Sahara).

[26]   Economic Community of West African States formed by fifteen countries: Benin, Burkina Faso, Cabo Verde, Ivory Coast, Gambia, Ghana, Guinea Bissau, Guinea, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leona, and Togo). Nigeria has 160 military in the ECOWAS mission called ECOMIB in Guinea Bissau.
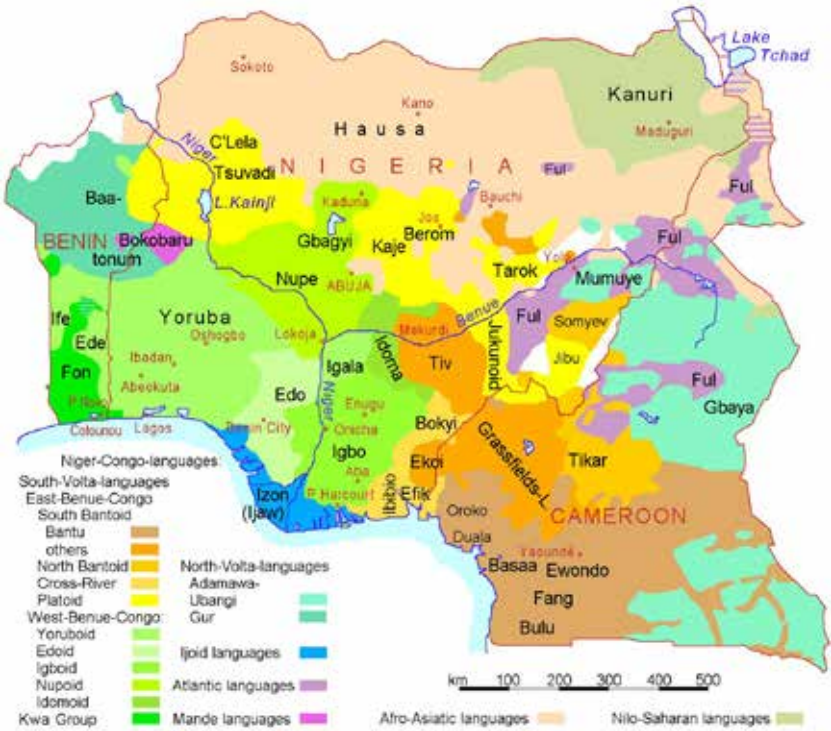
Figure 4. Distribution of main languages in Benin, Nigeria and CameroonSource:
http:\es.wikipedia.org/wiki/Archivo:Nigeria_Benin_Cameroon_Languages.png

The Middle Belt of the country is inhabited by the largest ethnic groups such as the Ijaw, Efik, Ogoni and Annang, all with different languages. Some of them can communicate with each other in English because part of the population spoke the language when the country was a British colony and English was established as an official language to facilitate the country's communication and unity.

Furthermore, it is typical for Nigerians to speak several of the most common languages such as Hausa, Yoruba and Igbo. The Yoruba group is predominant in the south and west of Nigeria; more than half are Christians, a quarter are Muslims, and the rest are animists. The Igbo is the majority ethnic group in the Niger delta region and in the Gulf of Biafra, and the large majority are Catholic, though there are also significant Ogoni and Ijaw minorities.

Nigeria is divided into four geographic areas with particular social and economic characteristics: the coastal zone, which is 853 km long and devoted chiefly to fishing and coastal trade, is an area of coves, mangrove swamps, streams, bogs and marshes that can stretch as far as 100 km inland from the coast in the Niger delta; the next is a strip of woodland

(production of timber, cacao, peanuts and rubber) or forest that gradually rises towards the north forming plateaus; the African savannah region begins in the Middle Belt and is Nigeria's main farming region; and in the northernmost part of the country is the Sahelian semi-desert that is chiefly given over to nomadic cattle raising by the Hausa and Fulani and to fishing in the lake Chad area.

Nigeria became a British protectorate in 1901 and a colony in 1914.

In 1956 the Dutch company Shell discovered large petroleum reserves in the Delta region.

The United Kingdom granted it its independence in 1960 as a state formed by a federation of three regions: one in the north that was home to a majority of Hausa Fulani; the Yoruba in the south and west; and the Igbo in the southern and eastern region.

At the start of the 1960s, many oil exploration and exploitation concessions were granted to various foreign companies.

In 1966 a coup d'état established a military government and replaced the three regions with twelve federal governments in order to grant greater political power to other ethnic groups in its area of influence, especially the Ijaw.

In 1967 the Igbo declared the independence of the eastern region as the Republic of Biafra, claiming that the great majority of oil wells belonged to them but that they did not receive any of the wealth they generated, which remained in the hands of the federal government.

A civil war broke out in Nigeria and more than 30,000 Igbo were killed in the states north of the Delta region. The rebels of Biafra surrendered in January 1969; many of them fled towards Cameroon and sought refuge in the Bakassi peninsula, where they settled.

Nigeria and Cameroon have been engaged in a dispute over the sovereignty of Bakassi since then.

Corruption became a serious issue in Nigeria during the oil crisis of the 1970s owing to the huge unexpected earnings it brought the Nigerian state. The rulers implemented populist economic policies which within a short time became personal instruments for achieving the private aims of the politicians in power.[27]

In 1975 a bloody military coup toppled the government of the First Republic. MIG-21 aircraft, combat tanks and artillery were acquired from the

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[27] There is an excellent article by Daniel Aghiboa of Oxford University on corruption in Nigeria entitled 'One step forward, two steps back: the political culture of corruption and cleanups in Nigeria' and published by the Central European University in its Political Science Journal, vol. 8, no. 3, March 2014.

Soviet Union. The corruption worsened during the Second Republic under Shehu Shagari, as the state not only began to hand out privileges but was described by many as 'predatory'.

A new Constitution was drawn up in 1977 (taking the United States as a model of federal government) with a new division into more federal states, and elections were held in 1979. A new Constitution was likewise adopted which declared that all the oil and gas in the country was federal property.[28]

During the oil boom of the late 1970s, many merchant vessels had to drop anchor and wait their turn to enter the port to unload, especially those carrying construction material (they were called the 'cement armada'), and they began to be attacked by Nigerian pirates, many operating from canoes and armed with machetes. The pirates stole anything of value and sold it on the markets of Lagos, Port Harcour and Calabar.

The piracy business soon flourished: groups of five or six heavily armed individuals in four or five outboard motor boats (which no fisherman could afford) and with privileged information on the most profitable victims – arousing suspicions of a certain connivance with harbour or customs officials.

The number of attacks and the violence and threats of pirates increased exponentially, though the Nigerian authorities did not appear to take any heed until the attack on the merchant ship *Lindinga Ivory* in 1979, in which its captain was killed and fourteen of the crew were injured.

The Nigerian government decided to purchase modern military equipment, especially from the United Kingdom, but also from France, Italy and the United States.

Some measures taken by the Nigerian government and the fall in the price of oil, which reduced the traffic of oil tankers across the Gulf of Guinea, led piracy to be considered a minor issue with little repercussions in the press, Howeverin 1981 Nigeria and Cameroon nearly went to war over the demarcation of the common frontier to the north of the Bakassi peninsula and in Lake Chad.

In 1982 the MEKO 360-class frigate *Aradu*[29] with the capacity to carry a Lynx helicopter was incorporated into Nigeria's navy as the flagship.

With the second military coup of 1983 and the appearance on the scene of General Babangida (1985–93), the regime, in addition to attaining its highest level of corruption, allowed the corrupt to act with impunity provided they were absolutely loyal and committed to President Babangida,

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[28] For further information see the book Small Boats, Weak States, Dirty Money by Martin N. Murphy, published by Hurst&Company, London, 2008, especially pp. 111 to 122 on West Africa-Nigeria.
[29] The author was a liaison officer during its stopover in Vigo.

who created a de facto praetorian military autocracy of individuals and ethnic groups engaged systematically in supressing opponents to the regime, whether actual or simply suspect.

The western countries decided to impose an embargo of military equipment on Nigeria, which then opted to carry on arming itself with military equipment from China, Russia, India and even North Korea.

Thanks to the new rise in fuel prices triggered by the 1991 Iraq war and to the fact that its oil exports account for 80% of state revenues, in the last years of Barbangida's regime Nigeria became one of the richest countries in Africa in terms of GDP, but the widespread corruption of politicians, military, police, judges, etc. meant that these gains were not passed on to the Nigerian people. Instead, the social and economic gap widened, unemployment rose, and traditional means of production such as fishing, the timber industry, livestock raising and agriculture (Nigeria's agricultural production plummeted so that it was unable to export and needed to import produce to prevent famine) were abandoned, as a result of which extreme poverty extended to increasingly large levels of Nigerian society, affecting nearly 100 million people – a rate that is surpassed only by India and China.

The Nigerians are totally lacking in social services such as healthcare, education, etc., as well as public services regarded as basic, such as drinking water, sewage systems and electricity. Not even infrastructure allowing the country to progress was built and many areas, particularly in the north of the country, were left without electricity, roads and, of course, border control.

In fact Nigeria is totally lacking in effective civil administration at the federal government, state government and even local government levels.

It was precisely at the start of 1990 that several armed incidents took place between Nigeria and Cameroon, coinciding with the emergence in the Delta region of armed ethnic groups that rose up against the federal government, resentful of the fact they did not benefit from oil wealth despite living in the biggest production areas. For example, the Ogoni created the MOSOP (Movement for the Survival of Ogoni People).

In order to hold onto power and garner further support and recruit new members for the network of corruption, Babangida's government decided to create more states, distributing privileges among the new rulers to ensure their loyalty, while driving a wedge between the opposition members and diminishing their power.

Nigeria thus came to have its current 36 federal states and a federal district in the capital, Abuja[30] (in the Middle Belt, in order to serve as an amalgam of the federation. See figure 5).

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[30] The capital of Nigeria with more than one million inhabitants, though Lagos, the former capital, continues to be the most populated city with 8 million inhabitants (figures
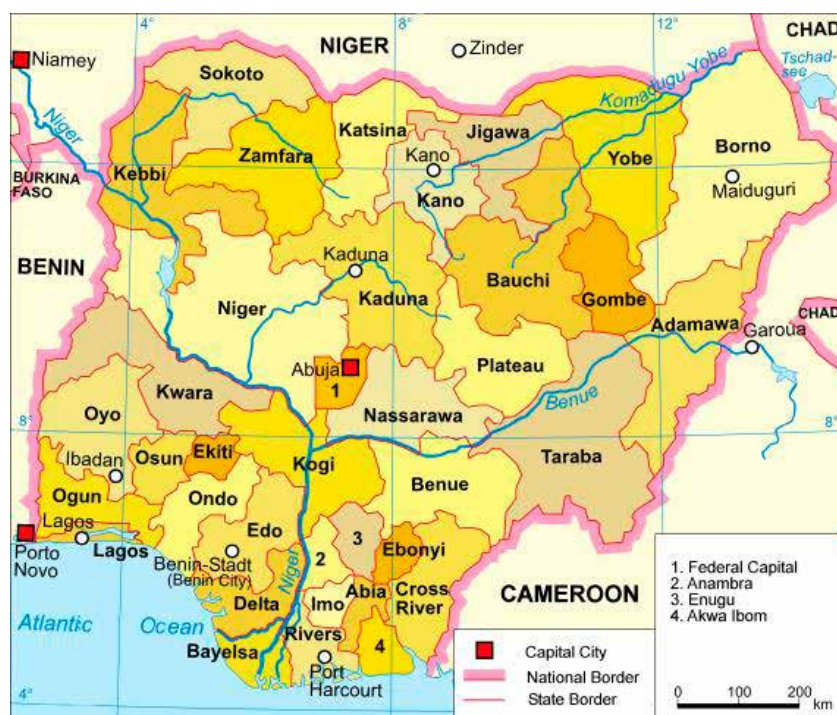
Figure 5. Political map of Nigeria Source: http:/upload.wikimedia.org/Wikipedia/com-
mons/d/d2/Nigeria_political.png

Nigeria witnessed another military coup in 1993. It was staged by General Abacha, who annulled the organs of the state, banned political parties and dismantled the civil structures, as well as making it impossible for judges to investigate actions carried out by any member of the regime. He established a dictatorship and a rule of terror with widespread corruption at all levels of government, including the armed forces and the police.

In 1994 President Abacha sent the army to Bakassi to subdue the Igbo; Cameroon retaliated by bringing a territorial claim before the International Court of Justice in The Hague.

Nigeria was ranked as the most corrupt country in the world in the corruption reports of the Transparency International organisation in 1997 and 1998. Abacha died in June 1998. In 1998 a group that promoted 'freedom, self-determination and justice' was established in the Ijaw-populated areas of the Delta region, calling itself IJC (Ijaw Youth Council).

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for 2006). Nigeria's main airport is in Lagos, and the port of Apapa (Lagos) is one of the most important along with Port Harcourt and Calabar beside the Bakassi peninsula.

1999 marked a return to a 'democratic' civil regime and Olusegun Obasanjo (1999–2007) was elected as its first democratic president, as a result of which the western countries lifted the arms embargo on Nigeria. The United States, the United Kingdom and Germany offered to provide military technical assistance in an attempt to bring Nigerian military equipment into operational service where feasible.

Although Nigeria was theoretically already a hugely rich country with a spectacular annual rate of economic growth driven by its exports of oil and natural gas from the Niger delta area, the fact is that, owing to unbridled corruption and total impunity, the state's ability to provide security and basic services continued to be non-existent. Although Obasanjo promised the people he would put an end to corruption and created the Independent Corrupt Practices and Other Related Offences Commission (ICPC)[31] and the Economic and Financial Crime Commission (EFCC), in the end it became clear that the ICPC and EFCC were used by Obasanjo as a political weapon against his enemies, especially rulers who aspired to stand for presidential elections, while he encouraged the corruption of his cronies by guaranteeing them impunity.

In 2002 the International Criminal Court granted sovereignty over the Bakassi peninsula to Cameroon and ordered Nigeria to transfer sovereignty of the territory, but without forcing the inhabitants to emigrate or change nationality. Nigeria refused to withdraw its troops; the verdict was backed by the UN, which threatened Nigeria with sanctions and, if necessary, the use of force.

Two other Ijaw groups were established in the Delta in 2003, the NDPVF (Niger Delta People´s Volunteer Force) and the NDV (Niger Delta Vigilante).

In February 2006 government forces razed an Ijaw village to the ground. In response, the most important Ijaw group appeared on the scene: the MEND (Movement for the Emancipation of the Niger Delta), a coalition of armed militias from the NDPVF and IJC, whose members had a background of organised crime and engaged in piracy and the theft of fuel (referred to as illegal 'bunkering'), all under a collegiate command.

Bunkering usually consisted of positioning a barge beneath an oil pipeline that acted as a bridge between two banks of a river in the delta. The pipe was hacked into and the oil siphoned off until it filled the barge, which was towed to a 'depot ship' that was waiting off the coast and the fuel was transferred to be sold in other African ports. From the proceeds, the MEND obtained funds to purchase weapons and also to bribe police and sailors,[32] so as to avoid being captured by the Nigerian naval patrols. The

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[31] Independent Corrupt and Other Offences Commission.
[32] In July 2007 the Nigerian navy dismissed ten officers, among them a rear admiral, for involvement in the theft of fuel.

system had its risks, as evidenced by the 200 deaths from an explosion in Nigeria when an oil pipe was hacked into.

In March 2006 the Nigerian government signed an agreement with an Israeli company for more than 250 million dollars to acquire a coastal surveillance system for its 853 km of coastline, with radar stations, coastal surveillance centres, unmanned aircraft and a maritime command and control centre in Lagos.

In July 2006 Nigeria withdrew its military from Bakassi – some 3,000 soldiers – and formally handed over sovereignty of the northern part of the peninsula. However, the south remained under the control of Nigerian civil authorities until finally in 2008, under the presidency of Umaru Yar'Adua (2007–10), a former Muslim governor of the North, Nigeria completely ceded Bakassi to Cameroon in the presence of a UN delegation.

Between 2007 and 2009 Nigeria embarked on an uncompromising fight against MEND. In its struggle for freedom from the Nigerian state, the group claimed that the people (Ijaw) were not receiving the financial gains from the huge profits made on the oil extracted from the Delta, and that only the oppressive and corrupt government and its cronies benefited from them.

Fuel thefts, piracy and kidnappings had been endemic in Nigeria for decades before the appearance of the MEND, but there was now a symbiosis between Nigerian organised crime and the MEND, which spanned the full spectrum from armed robbery and kidnapping to theft of the whole vessel whether for its cargo or to be used to transport the stolen oil.

In 2009 Yar'Adua's Nigerian government reached an amnesty with the MEND, and although since then some small groups have claimed to belong to the MEND to justify their exploits politically, the fact is that the MEND, if it exists, lacks the capacity it had before the amnesty.

President Yar'Adua died in May 2010 after a lengthy illness. He was replaced by his vice-president Goodluck Jonathan, a Christian from the south. Like his predecessors, the current president has embraced the system of rewarding corruption rather than punishing it, in order to remain in power.

According to a report submitted to the US Congress in April 2013 by the Secretary of State, corruption affects 'all levels of government and the security forces' in Nigeria.

However, in November 2013 the US Department of Defence announced a contract to improve Nigeria's maritime surveillance system (made by the Israeli firm IADS) in order to integrate several sensors, including information from aerial and embedded radars, TV and infrared cameras and

even data from the AIS (Automatic Identification System), which is compulsory for all merchant vessels thirty metres or more in length.

The United States decided to include the abovementioned upgrading contract in its RMAC programme[33] for helping African states control their territorial waters by boosting the capabilities and training of their maritime security forces – in fact the same programme concept as EUCAP Nestor for the Horn of Africa.

On 30 May 2014 the MEND declared a ceasefire, a day after President Goodluck Jonathan offered an amnesty to 'all the armed groups willing and prepared to renounce violence and seek the path of dialogue and reconciliation'. The amnesty will secure the president more votes in the future presidential elections of 2015, but will not have a significant effect on reducing the risk of piracy or the theft of fuel along the coasts of Nigeria.

In short, it may be concluded that the piracy practiced in the Gulf of Guinea has evolved from piracy as organised crime to a piracy that pursues political, social and criminal ends, and therefore the insurgent groups in fact act as criminals, and criminals rely on insurgents and corrupt goverament officials to run their business.

Piracy figures in Nigeria from 2003 to 2013

During Obasanjo's government, piracy actions could be chiefly attributed to organised crime and recorded the sharpest dip in 2003, when 39 incidents were reported. These figures further slumped to 27 in 2004 and to 16 in 2005, while 2006 ended with only 12 incidents.

As a result of the emergence of the MEND on the piracy scene, in 2007 incidents rose to a maximum of 42 pirate attacks. There were 40 in 2009 and, following the amnesty granted to the MEND, 28 incidents were recorded in 2009 and 19 in 2010.

The lowest figure – only ten incidents – was recorded in 2011. However, the pirates had attacked an oil tanker somewhere between the port of Lagos and the coast of Benin (which is less than 120 km long), transferring its cargo to another vessel before releasing it, following a pattern that was repeated. Therefore, in September 2011 Nigeria and Benin decided to establish a joint maritime patrol programme (operation Prosperity).

In 2012 pirates' violence in boarding vessels increased, and the number of incidents rose to 58 – an annual record – some in Benin (two incidents), Togo (with only 55 km of coastline, had fifteen), Ghana and the Ivory Coast. There was also a significant resurgence in the number of attacks in the Delta region attributable to armed militias that have not yet opted for the

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33   Regional Maritime Awareness Capability.

benefits of the amnesty granted to the MEND. In addition, Nigerians became increasingly aware the current president, Goodluck Jonathan, is doing little or nothing to combat corruption and achieve a fairer distribution of the oil profits among the local communities from which it is extracted.

There is evidence that pirate groups are better organised than ever, have access to information on the movements of merchant vessels, and are equipped with highly sophisticated materials and weapons. This is at last forcing the Nigerian government to take action and it has set in motion operation Pulo Shield, creating a joint force made up of military from the Navy, Army and Air Force, as well as police, with the mission of guarding and protecting oil and gas facilities, and combating bunkering and piracy at sea as well as any other crime (illegal fishing, dumping of pollutants – see photo 2 – drug smuggling..) that can be committed at sea and in the inland waters under its responsibility.

Photo 2. An abandoned illegal refinery near Bayelsa (Ijaw area of the Niger delta)Source: https://janes.ihs.com/externalitems/janes/images/mags/jiwk/jiwk2014/data/images/p1565434.jpg

Even so, 31 attacks by Nigerian pirates were recorded out a total of 51 committed in the Gulf Guinea, in which 49 people were taken hostage and 36 people were kidnapped. Two vessels were captured off the Nigerian coasts, thirteen were attacked and shots were fired at a further thirteen. The pirates used high-speed boats concealed in the estuaries of the Niger delta, venturing as far as the waters of Gabon, Ivory Coast and Togo, and at least five of the seven captures of vessels in the Gulf of Guinea were linked.[34]

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[34] Data taken from the article 'Is Piracy Eradicated?' of April 2014 by James Kraska for ISN.

It may be concluded from the figures for 2013 that pirate attacks in the Gulf of Guinea are not alarming in number but that this situation, which is very specific to the Gulf of Guinea, can evidently not be permitted and the coastal states should be involved in addressing it; there is a long way to go, as they lack a proper maritime policy and have become entangled in a host of border disputes and territorial claims among themselves. Their naval forces are obsolete and poorly trained, equipped and maintained, because corrupt officials appropriate funds; this problem is endemic to all the armed forces, the loyalty, integrity, spirit of service and honoura-bleness of whose commanders is highly questionable. The case of Nigeria, the military power in the Gulf region, is paradigmatic,[35] although since 2012, owing to the challenges posed by the situation in the Niger delta and the spread of Nigerian piracy throughout the whole gulf, it has given top priority to acquiring four ocean patrol vessels (OPVs, the first to be built in China and 50% of the second in Nigeria; the third and fourth in Indonesia) and twelve fast coastal patrol vessels (CPVs, three from Israel, three from France and six from Australia).[36]

It should be stressed that Cameroon has ordered a CN-235 military aircraft from EADS-CASA and that in February 2014 the Spanish ship-builders Aresa (Arenys de Mar) delivered two Aresa 3200 OPVs to Cameroon's Navy, on top of the Aresa 2400 Defender CPV and Aresa 2300 landing craft already in service in Cameroon.[37]

We will go on to compare piracy in the Horn of Africa with piracy in the Gulf of Guinea before defining the role the EU could play in combating piracy in Western Africa.

On the one hand, Nigeria is affected by home-grown jihadist terrorism – that of Boko Haram – which affects its security and the deployment of its armed and security forces in combating it, and can also affect the role played by the EU's Common Security and Defence Policy in the neighbouring Sahel region. It is therefore necessary to deal with this specifically in the next section.

Jihadist terrorism. Boko Haram. Ansaru

As we have seen, as of the beginning of the twenty-first century Nigeria is populated with armed ethnic militias, separatist groups, organised criminal groups, and religious and social groups that call for justice (it is rec-

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[35]   On paper, it has the largest military capabilities in the region, but in actual fact most are out of service owing to lack of maintenance, such as the German-built MEKO 260-class frigate Aradu or the Vosper corvette Enymiri built in the United Kingdom.
[36]   The Military Balance 2013: Selected Arms Procurements and Deliveries, Sub-Saharan Africa, p. 542, tabla 23.
[37]   Revista General de Marina (RGM), March 2014, NOTICIARIO, p.362.

koned that fewer than 1% of those guilty of murder are tried) or demand the most basic public services.

Beginning in 2001, the states of the Middle Belt – the only 'glue' that is holding the country together – witnessed a succession of sporadic, very violent skirmishes in which thousands were killed and hundreds of thousands fled from the eastern areas of the country owing to heightening tension between the different ethnic and religious groups over the major economic differences between the northern and southern states. Some of these disputes were merely over possession of land or cattle – famine is rife – as a result of misrule.

What is more, there are transnational factors that affect the frontiers with Benin to the west, Niger to the north, Chad to the northeast and Cameroon to the east, which are highly porous, often not signposted and poorly monitored. The most salient factors include the possibility of infiltration and the smuggling of weapons,[38] movements of jihadist terrorist groups such as Al Qaeda in the Islamic Maghreb that are involved in kidnapping westerners, trafficking in people,[39] illegal immigration flows, cigarette smuggling, drug trafficking, etc. It is often very easy to engage in such activities as the people in question belong to the same Ethnic group, even though they officially differ in nationality, such as the Kanuri, who can be Nigerien, Chadian, Nigerian or Cameroonian.

The absence of any kind of law or order, civil or criminal, in Nigeria led many federal governments of the north of the country, such as that of Borno, to create a governmental committee for implementing the sharia (Islamic law) in their respective states. This was the law that existed among the Hausa and Fulani communities prior to British colonisation owing to their Arab nomadic and cultural roots and it was called for by the Muslim majority to curb misrule and the absence of justice, and at least to resolve civil cases (marriage, divorce, lawsuits over land or livestock...).

The governor of Borno appointed Mohamed Yusuf, a famous salafist preacher and leader of the Islamic Youth Vanguard (Shababul Islam), as a member of the Sharia Implementation Committee from 1999 to 2003.

Disillusioned by the governor's lack of sincerity and commitment to carrying forward the implementation of the Sharia, Yusuf began to publicly deliver and even record fiery speeches criticising the governor for his deceitfulness, even branding him an apostate and calling on all good Muslims to carry out a genuine Islamic (armed) revolution. He began to

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[38]   Most of the AK-47 guns in Boko Haram's possession were acquired in Chad. A current concern is the weapons that enter the country from Libya across the border with Niger.
[39]   Very poor women and children who have been sold by their families as domestic workers or to sex trafficking, a trade with a centuries-old tradition in the region.

use the Hausa word *boko haram* (Western education is forbidden) because he attributed all the Nigerian people's ills to having followed a western non-religious education, and therefore the organisation's formal name was 'People Committed to the Prophet's Teachings for Propagation and Jihad'.[40]

In December 2008, the governor of Borno accused Yusuf of terrorism before the Federal Criminal Court in Abuja. He had been arrested and taken to Abuja police station several times and freed after paying the bail established by influential Christian Nigerian politicians.

The summer of 2009 saw a brutal military crackdown in the north in response to a number of incidents promoted by Boko Haram, in which more than 800 of its militants died. Two days later, Yusuf was captured by military troops and taken to Maiduguri police station where, according to Boko Haram, he was executed – the police claimed he was shot dead when attempting to flee – and raised to the status of martyr, leading to increased popular support for Boko Haram in the north.

Leadership of Boko Haram was taken over by Yusuf's most radicalised second-in-command, the Kanuri Abubakar Shekau, who began to wreak vengeance for the death of Yusuf and other comrades, replacing the previous tactic of attacking government security forces and politicians with one of total terrorism including attacks on Christians and churches, Muslim imams opposed to his jihadist movement, suspected of collaborating with the security forces, relatives of politicians, 'secular' schools, bars, UN agencies and even several NGOs, with murders of health workers involved in campaigns to vaccinate people against polio, claiming that the 'campaign was really to sterilise [sic] Muslim girls'. Once again, the security forces cracked down brutally on the movement during 2010 and 2011, and many leaders and members of Boko Haram were arrested and killed; others fled to Mali and Somalia via Chad. Shekau was seriously injured but managed to flee, and began operating around the borders with Niger, Chad and Cameroon with the support of the Kanuri.

December 2012 saw the emergence on the scene of the terrorist group Ansaru, the most radical faction of Boko Haram, which declared itself part of the international jihadist movement and adopted its tactics such as kidnapping westerners to raise funds and expanding its geographical area of action to Cameroon and Niger in order to establish operational contact with Al Qaeda in the Islamic Maghreb (AQIM) and even take advantage of the existing trafficking of weapons across the Sahel.

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[40] For further information on Boko Haram, see the interesting and excellent 'Curbing Violence in Nigeria (II): The Boko Haram Insurgency', in Crisis Group Africa Report, no. 216, 3 April 2014.

At the beginning of 2013 Boko Haram reached the height of its power, coming to control vast expanses of the state of Borno. The government decided to transfer the lion's share of its military forces to the north and create a joint force consisting of military and police, who succeeded in inflicting major losses on Boko Haram, but it failed to take any supportive measures to alleviate the poverty of the northern population.[41] It did not invest in developing infrastructure and, above all, did not provide basic services or justice. The federal government's response merely triggered a worsening of the situation and an escalation of violence, and therefore President Jonatham sounded out Boko Haram on the possibility of proposing an amnesty similar to that of MEND. However, he had problems finding fitting dialogue partners because, as a security measure to prevent arrests and prosecutions of their relatives, Boko Haram's chain of command was highly opaque and there were internal divisions within Boko Haram, as proven by the existence of Ansaru.

The kidnapping by Boko Haram of more than 200 girls in Chibok in northeast Nigeria and the appearance of Abubakar Shekau in all the world media marked an appeal for stemming the violence. This will only be possible through a genuine revolution and security sector reform (SSR) in Nigeria, together with the implementation of regional development measures, the rule of law and respect for human rights, with the regional coordination of all the countries of the Gulf of Guinea and the Sahel and the support of the international community, which needs to be coordinated in order to fight against corruption in Nigeria without amnesties or pardons.

Comparison of piracy in the Horn of Africa with piracy in the Gulf of Guinea

Piracy off the coasts of Somalia differs in quality and quantity from that of the Gulf of Guinea.

The main difference may seem merely a question of terminology or taxonomy, as the legal term 'piracy' is established by the United Nations Convention of 1982 on the Law of the Sea (UNCLOS) and is defined as illegal acts of violence or detention, or any act of depredation, committed at sea in a place outside the jurisdiction of any state (the high seas or international waters), that is, outside its jurisdictional waters, which are the twelve nautical miles of territorial sea measured from its baseline.

Practically all Somali piracy is carried out on the high seas, whereas in the so-called piracy of the Gulf of Guinea, more than 80% of incidents take

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[41]   Figures for 2014: in the north, 72% people live beneath the poverty threshold compared to 27% in the south and 35% in the Delta area.

place inside the territorial waters of the gulf states, which are responsible for the security of the area. Therefore the illegal acts committed in those territorial waters can in fact only be prosecuted by the related state for the common crime committed – such as armed robbery, kidnapping, etc. – though in the past two years there has been a growing tendency towards incidents outside Nigeria's territorial waters, owing perhaps to the pressure of its combined military and police forces.

Therefore, the location of the attacks directly affects the sovereignty, responsibility, command and control, legal instruments and response policy that each state can provide to the incidents. It should be stressed that a large number of the incidents that take place in the Gulf of Guinea are not reported by the affected states, perhaps to avoid 'bad press'.

This legal difference has many implications, as in the case of Somali piracy it was possible to deploy international naval forces such as EUNAVFOR Atalanta to combat piracy, in support and of and in compliance with the resolutions of the United Nations Security Council, whereas in the Gulf of Guinea it is practically unfeasible to deploy international naval forces unrelated to the region in order to involve them in fighting piracy owing to the highly complex plethora of legal, jurisdictional (of sovereignty), political, operational and even logistic aspects (stopovers at ports, supplies...).

Nigeria, a country that enjoys regional hegemony and aims to influence the whole African continent, will never allow a European or US-led naval force to deploy in the area to provide military assistance in combating piracy, as it knows that this would affect its international prestige and position vis-à-vis the rest of the ECOWAS states and the whole of the AU. In addition, in order to deploy a CSDP naval operation or military mission, the Nigerian authorities must first submit a request – usually through an exchange of letters with the EU High Representative – and although this possibility has been sounded out at the diplomatic level, the EU is convinced that this will never happen.

At any time in the Gulf of Guinea there is an average of thirty merchant vessels owned by or flying the flag of EU Member States, and as there will be no NATO or EU (EUNAVFOR) Naval Forces, support cannot be provided to them in the form of an escort or by intervening in the event of a pirate attack.

For the same reason of sovereignty over Nigeria's territorial sea, measures that have proved to be so effective in combating Somali piracy, such as carrying privately hired security personnel or military protection teams (VPD) of the nation flying the flag, would be unfeasible as these teams would compulsorily have to be Nigerian.

Geography also affects the modus operandi of pirates. The pressure and deterrence of the multinational naval and maritime patrol forces drove

the Somali pirates to operate at an increasing distance from their coasts, hundreds of miles away, and to resort to using supply vessels to extend their scope of action and autonomy and withstand being at sea during monsoons in their attempts to attack vessels sometimes moving at high speeds, which was an added risk.

In the case of the Nigerian pirates, most of their targets are oil tankers that have dropped anchor or even docked at ports waiting to unload refined products or load oil. The absence of surveillance, police or preventive measures on the part of the Nigerian maritime and customs authorities allows them to act with total impunity, especially among the streams and channels of the Niger Delta.

Somalia has been a failed state, without law and order, without government, without natural resources and without trade. As we have seen, the international community and the EU have had to provide funds and assistance in an attempt to promote the existence of a federal government. For many Somalis with experience in navigation as fishermen or even former coastguards, piracy became a business and a means of living and overcoming extreme poverty.

Lack of control and administration of Somalia's territory led the pirates to opt for taking hostages, as they had many anchorages along a 3,500-km stretch of coastline in which to keep the hostages during the lengthy negotiations. The cargo or the vessels were an extra as their main source of funds were the hostages, and therefore they generally avoided being overly violent.

Nigeria is very rich in natural resources, but owing to corruption it lacks a fair government that provides citizens with basic services. Therefore, it does not need external funding, and only the Nigerians themselves can combat corruption. The Nigerian pirates started out with economic motives – especially the theft of fuel (bunkering) that they subsequently sold on the black market, and their favourite targets have always been oil tankers, for their cargo; they have not often held their crews hostage, also because they have nowhere to keep them out of reach of the security forces. Nor are they helped by the fact that the coastline is relatively short (compared to that of Somalia) and therefore easier to control and with fewer means. An unfortunate consequence of Nigerian pirates' preference for cargoes is the extreme violence of their acts – they will often kill or wound the crews or passengers of the vessels they attack after stealing everything from them (money, clothing, mobile phones...).

Another difference is the distinct involvement of the international community and, accordingly, of the mobilisation and intervention of international naval forces under United Nations Security Council (UNSC) resolutions in the Horn of Africa and the Gulf of Guinea. During the grip of the crisis caused by piracy between 2008 and 2013, it issued more than

fourteen resolutions to combat piracy in the Horn of Africa compared to two (2018/2011 and 2039/2012) for the Gulf of Guinea. Those relating to the Gulf of Guinea merely emphasise the importance of supporting the countries and regional organisations by providing them with training, advice, equipment and resources when appropriate so that they can increase crisis prevention or management themselves. In contrast, in the resolutions on combating piracy in Somalia, the international community was authorised to intervene militarily in Somali territorial waters or even on the coast. A possible explanation for the different attitude of the UNSC towards counter-piracy in Eastern Africa with respect to Western Africa is, objectively, the direct costs of piracy in 2012, as we saw that in the Horn of Africa they amounted to a total of some 6 billion dollars, whereas the costs of piracy in the Gulf of Guinea were estimated at between 740 and 950 million dollars.

There is also the problem of poor relations between the states of the Gulf of Guinea themselves, many of which have not reached agreements over their land frontiers, and nor are their maritime boundaries recognised. The 'success' attributed to the Yaundé Summit of Heads of State of June 2013 is therefore highly debatable, as although the countries approved the Cotonou Code of Conduct, it was 'informative', as its adoption is not compulsory. If we further consider that their naval and maritime control capabilities are highly limited if not non-existent, that each country's legislation on the maritime environment is very lax or non-existent, that there is no political will to combat corruption and impunity and that there is considerable mistrust between neighbouring countries and even hostility (Nigeria-Cameroon, Gambia-Senegal, Gabon-Equatorial Guinea...), to speak of cooperation and exchange of information between Gulf countries poses a much greater threat than is found among the countries of the Horn of Africa and the western Indian Ocean affected by piracy.

Another difference is that, just as it is known that Somali pirates' motives are solely economic, and their organisation and resources rudimentary, the motives of Nigerian pirates are unclear, as they can be organised criminals mixed with pro-independence groups, ethnic militias, opportunists, politicians, etc., or simply civil servants. The organisation of Nigerian piracy is complex and the pirates' weapons, means and technologies are more advanced than those employed by Somalis.

Nigerian pirates benefit from the existence of a flourishing black market where they can sell everything they steal, even tonnes of oil. What is more, they blame the oil multinationals for the pollution caused by their bunkering activities or clandestine refineries, while accusing the government that the profits from oil are not invested in the oil producing area of the Delta to improve the services and standard of living of the Ijaw and Ogoni. The damage caused to Nigeria's economy by bunkering and sabotages on land is far greater than that of piracy at sea. The large volume of stolen oil

can only be explained by the very high degree of corruption that exists at all levels of the political parties, insurgent groups, ethnic groups, administration, police, military and marines, all united by the profits earned from the black market. In addition, the judicial system lacks the laws, independence and means needed to fight against piracy and organised crime.

What strategies and measures can the European Union implement to improve security in west Africa?

Introduction

The fact is that the EU's involvement in fighting piracy in the Horn of Africa began in 2008 and, to an extent, as all its efforts were focused on this area, what occurred in the field of security and defence and, more specifically, in the fight against piracy in the Gulf of Guinea, was played down and seemed to be pushed into the background. Only the European Commission seemed to monitor the vicissitudes of piracy and the situation in Nigeria, concerned about its possible impact on the EU's economy and trade.

In November 2011[42] EU experts, together with experts from ECOWAS and the UN, attended a seminar organised in Cotonou (Benin), in which military and politicians from Benin, Togo and Ghana took part, to develop forms of cooperation to counter the increase in piracy in the Gulf of Guinea. Nigeria did not attend despite having been invited as a member of ECOWAS.

In January 2013[43] the European Commission announced its initiative for combating piracy in the Gulf of Guinea with a contribution of up to 4.5 million euros to the CRIMGO (Critical Maritime Routes in the Gulf of Guinea) programme aimed at training coastguards, establishing a network for exchanging information between the region's agencies and countries, and consolidating the national legal systems, specifically in seven countries: Benin, Cameroon, Gabon, Equatorial Guinea, Nigeria, Sao Tomé and Principe, and Togo. The programme was designed on the basis that the most important shortfalls were lack of standardisation in naval and maritime training, and that information was not shared among the affected countries.

At the end of March,[44] the heads of state and government of ECOWAS and ECCAS[45] adopted the draft Code of Conduct (of Cotonou)[46] for the 'pre-

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[42] EDD no. 462, 10 November 2011, p. 3.
[43] EDD no. 574, 17 January 2013, p. 4.
[44] EDD no. 597, 9 April 2013, p. 4.
[45] Economic Community of Central African States, formed by Angola, Burundi, Cameroon, Chad, Congo, Gabon, Equatorial Guinea, CAR, DRC, Rwanda, and Sao Tomé and Principe.
[46] Inspired by the IMO's Djibouti Code of Conduct on the repression of piracy in the Indian Ocean. It emphasises the exchange of information, coordination, designation of

vention and repression of piracy, armed robbery against ships and illicit maritime activity' in the region. It was likewise reported that the United States is greatly concerned about the development of piracy in West Africa and its connections with terrorist groups such as Al Qaeda, and according to the agency AP, Washington, with the support of 'some of its allies', is reflecting on how to bolster counter piracy operations in this part of Africa. It was subsequently reported that the most plausible possibility is to 'support the training of coastguards of the countries of the region'.

On 24 and 25 June 2013 the Yaundé summit (Cameroon) of heads of state and government of the Gulf of Guinea on maritime security approved the adoption of the Code of Conduct drawn up at Cotonou. Although it is not compulsory for states, it clearly directs efforts towards improving regional and international cooperation in order to improve maritime security in the Gulf of Guinea.

At the beginning of December 2013, the European Commission (DG Development Aid) submitted to the European Parliament Subcommittee on Security and Defence a progress report on the CRIMGO programme, which has only succeeded in starting up a certain amount of cooperation between five of the countries (except Gabon and Equatorial Guinea) and beginning to build a regional information exchange centre (ICT) in Cameroon, although it has still not installed any equipment. A representative of the European External Action Service (EEAS) also expressed the opinion that what was needed was 'a genuine EU Strategy for the region'.[47]

On 20 December 2013, the Commission and the EU High Representative for Foreign Affairs and Security Policy submitted a joint communication (18099/13) to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on 'Elements for the EU's Strategic Response to the Challenges in the Gulf of Guinea'. This document would provide a basis for the conclusions adopted by the Council on the Gulf of Guinea at the meeting of the Foreign Affairs Council on 17 March 2014. The conclusions state that the Strategy, in annex, 'sets out the EU's strategic approach, in partnership with the region itself and in close cooperation with key international partners. The Council invites the EEAS and the Commission in consultation with Member States to develop an Action Plan to deliver the Strategy, in synergy with the future EU Maritime Security Strategy and mindful of the principles of the EU comprehensive approach, and to report back annually on progress with its implementation.' In Informative Document 05/2012 of 28 March 2014 entitled 'Europe: Strategy for the Security and development of the

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a point of contact by each state, creation of regional centres for coordinating maritime security, encouraging states to declare exclusive economic zones and enforce and strengthen their own laws on the maritime environment.

[47]   EDD no. 659, 10 December 2013, p. 4.

Gulf of Guinea', the IEEE presents an excellent report on this strategy, and includes as annexes the Council conclusions[48] and the strategy itself,[49] a ten-page document that is recommended reading, as it establishes the scope, identifies the threats, explains the interests shared by Africans and Europeans and the EU's response to the identified risks, adopting a comprehensive approach to four specific objectives. Under the section 'Nature and evolution of the threat', it analyses organised crime, piracy, and armed robbery at sea, bunkering, illegal fishing and unemployment [sic]. There is an extensive section that explains 'what has been done' (by the UN, ECOWAS and ECCAS, Summit of Heads of State of the Gulf of Guinea, AU, IMO, Gulf countries, EU Member States, the EU itself, other in-ternational partners such as the United States and its strategic command US AFRICOM.

The most interesting part begins on page 8 with 'the way forward' for the EU, based on three principles: partnership with the Gulf of Guinea coun-tries and close coordination with its regional organisations and other in-ternational organisations active in the region; a comprehensive approach to problems, ensuring that security, development and governance mat-ters are integrated into a single strategic framework; and applying the lessons learned from the strategies in other regions of Africa, especially those of the Horn of Africa.

Four objectives are established:

1) Based on facts, building a common understanding of the level of threats and the need to address them among the countries of the region and the international community.
2) Helping the governments of the region put in place the institutions and capabilities for ensuring security and the rule of law.
3) Supporting the development of prosperous economies in the coas-tal states, allowing them to provide their citizens with the basic ser-vices, employment opportunities and poverty reduction.
4) Strengthening cooperation structures among the countries of the region to ensure effective action across borders at sea and on land.

The EU's strategy ends with conclusions that state that 'Our level of am-bition, albeit broad and encompassing the full range of economic, so-cial, governance, security and development challenges, is the right [sic] approach at this stage'.

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[48]   Council conclusions on the Gulf of Guinea, Foreign Affairs Council meeting. Brus-sels, 17 March 2014. Retrieved from: <www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/14576.pdf>.

[49]   EU Strategy on the Gulf of Guinea, Foreign Affairs Council meeting. Brussels, 17 March 2014. Retrieved from: <www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/14582.pdf>.

Certainly, the strategy reflects that it has been designed by the European Commission; Mrs Ashton with her EEAS appears to have made a contribution, instead of as EU High Representative for Foreign Affairs and Security Policy, in her capacity as vice-president of the Commission, coordinating the community instruments with external competences, though ultimately it was the Council that approved the strategy.

The ten pages of the document mention the CSDP (that is, military operations or civilian missions) only once as a possible action in compliance with objective 2, stating literally: 'The use of all EU instruments (including CSDP), should be explored as part of a comprehensive approach'.

It is extremely odd that the possibility of carrying out a CSDP mission on security sector reform (SSR) in Nigeria is not mentioned, unless it is due to the fact that the EU's SSR mission in Guinea Bissau (2009–10) was a total flop as it failed to get the military to obey civilian power.

In the case of the EU strategy for the Gulf of Guinea, it appears that the EU's external action is focused exclusively on 'soft power', and does not even dare mention the possibility of a civilian CSDP mission of the kind of EUCAP Nestor, whereas the US Department of Defense has the RMAC programme.

Considering that objective 2 speaks of 'Helping [...] put in place the institutions and capabilities to ensure security [...]', building or improving maritime surveillance capabilities would be fully consonant with this, and it could have chosen to follow the civilian mission model – with significant support of military experts – of EUCAP Nestor in the Horn of Africa and coordinate all the CSDP missions from the OPCEN located in the EUMS. The EU continues to believe that 'soft power' is enough[50] and that recourse to military instruments should be the last option.

All that remains for the EU Member States, concerned by the impact the many challenges, risks and threats existing in the Gulf of Guinea may have on their security, is the option of acting individually with their own security and defence assets and strengthening bilateral links with the countries in the region. Such is the case of France, which has a permanent naval presence in the Gulf of Guinea with its Corymbe mission implemented in 2011 as part of the ASECMAR project for strengthening the administration of maritime security in the region (similar to the USA's RMAC).

Even Belgium, which has many interests in the area, sent its command and logistic support vessel *Godetia* (A960) to the Gulf of Guinea in a

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[50]   For example, the EU's strategy in the Gulf of Guinea was not presented to the EU Military Committee (EUMC) and therefore its advice cannot be requested, even though the EUMC is the highest military advisory body as it represents the chiefs of defence staff (CDS).

three-month deployment (23 March to 20 June 2014) as part of the maritime capacity building and 'Defence Diplomacy' operation in Benin, Democratic Republic of the Congo, Congo–Brazzaville, Gabon, Togo and, on the way, Morocco. It furthermore transported 250 m^3 of humanitarian aid from Belgian NGOs especially for schools and hospitals.[51]

Naturally Spain is also well aware that, in addition to the risks of piracy in the Gulf of Guinea, other risks in the area such as illegal immigration, drug trafficking and Islamist terrorism, among others, arrive via the Sahel at our borders and, accordingly, those of the EU in the Mediterranean. Therefore, Spain attempts to foster security in the Sahel by taking part in EUTM Mali and in the Flintlock border control exercises under the aegis of the United States,[52] but has to do so individually in the Gulf of Guinea – for example in February 2013 when it took part in the annual *Obangame Express* exercise organised by Cameroon as part of the APS (African Partnership Station) initiative of the Strategic Command US AFRICOM, to improve interoperability in communications and the exchange of information that affects maritime security, together with African naval forces of Ivory Coast, Benin, Togo, Nigeria, Cameroon, Gabon, Equatorial Guinea, Sao Tomé and Principe and Congo; European forces from Belgium, Spain, France and the Netherlands (important interests of Shell in the area); and, on the part of America, Brazil and the United States.

This year, 2014, the Navy has deployed the patrol vessel *Infanta Elena* (P-76)[53] for three months to enhance and develop closer relations with the navies of Cabo Verde, Senegal, Nigeria and Angola and has carried out the Sahara Express and Obangame Express 2014 exercises, both as part of the United States' APS initiative.

Conclusion

The success of the EU's fight against piracy in the Horn of Africa, which began in 2008 at the initiative of Javier Solana as High Representative (a mere spokesman) for Foreign Affairs and Security Policy and secretary general of the Council, has been based on the application of the EU's comprehensive approach. This approach makes use of all means, including military (EUNAVFOR Atalanta and EUTM Somalia,) with the basic aim of gathering intelligence – which has provided information on the threat, its tactics, its means and its objective – and identifying the centres of gravity of the pirates and the causes of the *boom* in piracy, in order to address them

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[51]   EDD no. 688, 27 March 2014, p. 3.
[52]   Carried out in Niger between February and March 2014 with the involvement of eight Spanish military in the Special Operations Command, seven from the Special Naval Warfare Force, four from the EZAPAC and one from the CIFAS.
[53]   RGM, April 2014, NOTICIARIO, p. 555.

using a holistic response combining military, civil, legal, economic, political and diplomatic means with the involvement of governments but also international organisations and the maritime industry itself. For example, the coordination and exchange of information and intelligence between the international naval forces for leading operations against pirate supply ships, or UNSC resolution 1816 allowed EUNAVFOR Atalanta to attack the pirate bases along the coast, without having European troops on the ground.

Having shown that piracy off the coasts of Somalia differs in quality and quantity from that which exists in the Gulf of Guinea, this essay aims to draw as the main conclusion that the responses applied in fighting Somali piracy off the Horn of Africa cannot be the same as in tackling Nigerian piracy and other risks in the Gulf of Guinea, even though theoretically, with the entry into force of the Lisbon Treaty, the EU has greater coherence and efficiency in its external action.[54] However, the fact is that since 2010 the EU has lost visibility and momentum in the field of CSDP: no new military operations have been launched – instead military assets are used in training missions (EUTM Mali) or embedded in 'civilian' missions (EUCAP Nestor).

Therefore it is considered that in the case of the Gulf of Guinea the most urgent priority is to remodel military and security forces in order to address challenges such as piracy, terrorism and other threats, and ensure that the states of the Gulf of Guinea and all the states that wish to contribute to reducing the security threats in that area invest in intelligence. For once we understand all the threats (such as piracy, insurgency and terrorism) and risks (organised crime, drug trafficking, illegal immigration, arms trafficking, corruption…), it will be possible to prepare a response at state, regional, AU and EU level… and we have seen that it is still necessary to prepare a possible response from each of the EU Member States with security interests in the area, as in the case of Spain.

The root cause of the seriousness of nearly all the threats and risks to the security of the Gulf of Guinea is the fact that the states in the region are incapable of addressing them owing to the existing corruption. While Nigeria is the focal point of all these risks, the international community and, above all the EU, should exert heavy political pressure on the Nigerian government to ensure that its anticorruption institutions are independent and prevent the impunity of the corrupt, who must be punished and not given amnesties. In the past arms embargoes were imposed, and the best option may well be international and economic international pressure by the United States and the EU as well as other international financial institutions (IMF, WB, etc.).

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[54] Which salvaged and used what it could of the unborn European Constitution, though in the case of the CSDP, all the relevant articles and provisions were incorporated into the Lisbon Treaty.

The second step to be implemented by the international community and the EU, taking advantage of the forthcoming changeover of HR/VP and the chance to choose a person who is more of a Europeanist and aware of the importance of the CSDP, should be to promote and implement Security Sector Reform in all the countries of the region in order to foster respect for and rule of law, which is the only means of regaining the support of their populations. Security must apply to the whole society of the country, without distinction between ethnic groups, religions or genders. It is necessary to establish a virtuous circle where the greater the security the greater the development, and the greater the development the greater the security...

Once the fight against corruption and security is underway, it will be possible to promote economic and social development and put an end to the scourge of poverty and unemployment, which are what drive Nigerians to turn to piracy, as they currently lack lawful means of earning a living.

The EU strategy should be focused on the long term, as the process will take decades. We should not be overly ambitious and try to shorten time limits; rather, it should progress slowly but steadily, establishing attainable objectives in successive phases.

Meanwhile, the most effective option for the EU would be to launch a CSDP regional maritime capacity building mission (EU CAP) with headquarters in Yaundé (Cameroon) in order to achieve synergies with the regional Centre for Information Exchange and monitor the CRIMGO programme, because the countries cannot do so on their own. The idea is to help the Gulf of Guinea countries that are willing to be helped, such as the case of Cameroon.

A similar policy of offering assistance should be applied to possible EU SSR missions in the Gulf of Guinea countries that are willing to accept them.

For the EU Member States concerned about the current situation of insecurity in the Gulf of Guinea and about achieving a gradual improvement in combating piracy and lessening the many risks and threats in the marine environment, the best option is no doubt to continue with 'Naval Diplomacy', showing the flag and, accordingly, the firm commitment to progressively improving the maritime security training and capabilities of the states in the region, and supporting and taking part in the initiatives promoted by the United States, such as the Flintlock and Sahara Express and Obangame Express exercises.

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